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THE

# LAWS OF WISCONSIN

PASSED AT THE

ANNUAL SESSION

OF THE

LEGISLATURE OF 1881,

TOGETHER WITH

JOINT RESOLUTIONS.

*PUBLISHED BY AUTHORITY.*

MADISON, WIS.:
DAVID ATWOOD, STATE PRINTER.
1881.

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# LAWS OF WISCONSIN.

[No. 8, S.] [Published January 20, 1881.]

## CHAPTER 1.

AN ACT to extend the time of the Black riv. r railroad company within which to earn the bonds heretofore subscribed and granted to said railroad company by the towns of Hewett, Grant and Weston, in the county of Clark and state of Wisconsin.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The time heretofore limited by the towns of Grant, Hewett and Weston, in the county of Clark, Wisconsin, within which the bonds of said towns were to be earned by the Black river railroad company, is hereby extended until the twenty-first day of June, A. D. 1881.

Time for earning bonds extended to June 21, 1881.

SECTION 2. If the said Black river railroad company shall, on or before the twenty-first day of June, 1881, comply in all respects with the proposition filed with each of said towns on the twenty-first day of July, 1880, (save only as to the time of completion of said railroad), and shall have its said railroad in actual operation on or before the said twenty-first day of June, A. D. 1881, then the said Black river railroad company shall be entitled to the said bonds of the said towns, and shall be deemed to have earned the same as fully as if said railroad had been fully completed within the time first limited by the terms of the railroad propositions filed in the said several towns, bearing date the twenty-first day of July, 1880.

Conditions upon which railroad company shall be entitled to town bonds.

SECTION 3. All laws, acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.

Repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved January 20, 1881.

[No. 9, S.] [Published January 28, 1881.]

## CHAPTER 2.

AN ACT to empower the commissioners of the public lands to extend the time of payment of a certain school fund loan in the county of Dodge.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Extension of loan.

SECTION 1. The commissioners of public lands are hereby authorized and empowered to extend the time of payment of a certain loan from the school fund to the Mayville union school district, in the county of Dodge, amounting to five thousand dollars, for the term of five years from the first day of February, 1881, under the same conditions of annual payments of one thousand dollars each, as the same was originally loaned to the said Mayville union school district. The first payment of one thousand dollars from said school district to be due and payable under this act the first day of February, 1886, and yearly, the same amount, till the whole principal of five thousand dollars shall have been fully paid. The interest on this loan, at seven per cent., shall remain payable annually.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved January 27, 1881.

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[No. 45, A.] [Published February 2, 1881.]

## CHAPTER 3.

AN ACT to amend section eight hundred and sixty-one of the revised statutes, relating to the order of the court incorporating villages.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Authority of presiding judge.

SECTION 1. Section eight hundred and sixty-one of the revised statutes, is hereby amended by adding thereto the following, to-wit: *provided*, that in case the order of incorporation as made by the court shall be irregularly or defectively entered, the court, or the presiding judge thereof, may at any time sign and enter, *nunc pro tunc*, the proper order of incorporation, and the same may be recorded as herein provided, within ten days after the actual signing of such order: *and provided further*, that any other irregularities or defects not going to the groundwork of the organization, shall not be deemed to invalidate the incorporation of said village.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 2, 1881.

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[No. 14, S.] [Published February 3, 1881.]

## CHAPTER 4.

AN ACT to appropriate to Geo. E. Sutherland, J. B. McGrew, P. H. Smith and Sawyer and Weston certain sums of money therein named.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated out of the general fund, out of any money not otherwise appropriated, the sum of one thousand two hundred and sixty-eight dollars and fifty cents, to Geo. E. Sutherland; the sum of eight hundred and seventy-one dollars and ninety cents, to P. H. Smith; the sum of six hundred and seven dollars and fifty cents, to J. B. McGrew, and the sum of six hundred and thirty-two dollars and forty cents, to Sawyer and Weston; in full, for services as committee, and stenographer, expert in bookkeeping, clerk, witnesses and personal expenses, in their investigation of the affairs of the Wisconsin state hospital for the insane, under and pursuant to the provisions of a joint resolution of the Wisconsin legislature, adopted March 15, 1880. Appropriation, $3380.30.

SECTION 2. The secretary of state shall draw his warrant on the state treasurer for the foregoing amounts only when he shall have furnished him, and filed in his office, satisfactory receipts in full, for all demands against the state growing out of said investigation. Secretary of state to draw warrant.

SECTION 3. This act shall take effect and be in force, from and after its passage and publication.

Approved February 3, 1881.

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[No. 101, A.] [Published February 15, 1881.]

## CHAPTER 5.

AN ACT fixing the terms of the circuit court for Lincoln county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The terms of the circuit court for Lincoln county shall hereafter be held on the fourth Tuesday in February and the fourth Tuesday in September of each year. Terms of courts.

Unfinished business.

SECTION 2. All writs, summons, recognizances, processes, informations, motions, and other proceedings in said court, and all jurors summoned to attend, and all notices of trial, and every and all proceedings pending or to be heard on the days heretofore fixed as the first day of said terms, shall be held returnable, cited to appear, and noticed for hearing, on the day herein fixed for the first day of said term, and shall be heard and disposed of as if noticed for hearing on the days herein fixed.

Repealed.

SECTION 3. All acts or parts of acts, conflicting with this act, are hereby repealed, so far as they conflict with this act.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved February 15, 1881.

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[No. 25, A.] [Published February 18, 1881.]

## CHAPTER 6.

AN ACT to authorize the common council of the city of Beloit to issue the bonds of said city for the purpose of paying its present bonded indebtedness.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amount of bonds.

SECTION 1. The common council of the city of Beloit is hereby authorized and empowered, at any time after the passage of this act, to issue bonds of said city to an amount in all not exceeding one hundred thousand dollars, bearing annual interest not exceeding six per cent. per annum, for the purpose of paying the outstanding bonds of said city which were issued under and pursuant to the provisions of chapter eleven of the private and local laws of this state passed in the year 1870, entitled an act to enable the town of Beloit and the city of Beloit to settle their bonded indebtedness.

When bonds and interest are payable.

SECTION 2. Each and every bond issued in pursuance of the provisions of this act, shall become due and payable on the tenth day of February of the year designated upon such bond, and the interest, at the rate specified upon such bond, shall be payable on the tenth day of February in each year after the same is issued, until the principal sum becomes due and payable.

Place of payment to be specified.

SECTION 3. Each and every bond issued under and by virtue of the provisions of this act, shall be made

payable at some place or bank, to be therein named, and the same shall become due and payable in the year agreed upon at the time of issue, to be named in in such bond: *provided*, that none of said bonds shall be made payable at a later date than February 10, 1900, and not more than five thousand five hundred dollars of the principal sum of said bonds shall mature and become payable in any one year.

New issue may be exchanged for outstanding bonds.

SECTION 4. Any bond issued under the provisions of this act may be exchanged for any of the outstanding bonds of said city, mentioned in the first section of this act, and any such bond may be sold for cash by the city at not less than its par value; and all money received upon the sale of any such bond or bonds shall be applied towards the payment of the present outstanding bonded indebtedness of said city of Beloit.

Tax levy.

SECTION 5. There shall annually be levied by the common council of the city of Beloit an amount sufficient to pay the principal and interest to mature on the tenth day of February, then next upon all bonds issued pursuant to the provisions of this act. And in case the common council shall neglect to make such levy on or before the first Monday of November next prior to the time for making the annual tax levy, it shall be the duty of the city clerk of the city of Beloit, without any order or direction of the common council, to levy and place in the next tax rolls of said city, with other taxes, an amount sufficient to pay all interest and principal to mature and become due upon any such bond or bonds on the tenth day of the next succeeding February; and it shall be the duty of the treasurer of said city to collect the amount of said tax as the same appears on the tax rolls in his hands, in the same manner as other taxes are collected by him. And if the clerk of said city shall neglect or refuse to levy the amount as provided in this section, he shall be personally liable to each and every person or party entitled to such money or any part thereof, and each and every party or person who is the owner of any bond or of any interest coupon which should have been paid out of such tax, may recover against such clerk the amount of money due and payable thereon.

Taxes raised to be a separate fund.

SECTION 6. All moneys collected from taxes levied pursuant to the provisions of this act, shall be used for the purpose of paying the interest and principal upon the bonds hereby authorized to be issued; and all such money shall be treated and regarded as a separate fund for that purpose; and the same shall not be liable for

principal and interest upon all such outstanding bonds, and said moneys shall be paid over in the manner provided in said chapter eleven.

Common council not to increase indebtedness.

SECTION 15. Nothing in this act contained shall be construed to authorize the common council of said city of Beloit to increase the amount of the indebtedness of said city, excepting as the same may increase by interest to accrue upon bonds issued pursuant to the provisions of this act.

SECTION 16. This act shall take effect and be in force from and after its passage and publication.

Approved February 17, 1881.

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[No. 167, A.] [Published February 19, 1881.]

## CHAPTER 7.

AN ACT to change the boundaries of the counties of Shawano, Oconto and Langdale, and to create and perfect the county of Langlade and to establish certain towns therein.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Boundaries.

SECTION 1. All that portion of the counties of Shawano, Oconto and Langlade, included within the following boundaries, shall constitute and be known as the county of Langlade, to-wit: Commencing at the southwest corner of township thirty (30), north of range eleven (11), east of the fourth principal meradian, running thence north on the range line between range ten (10), and eleven (11), to the third correction line, thence east on said correction line to the southwest corner of township thirty-one (31), of range eleven (11) east, thence north on the range line between ranges ten (10) and eleven (11), to the fourth correction line, thence west on said correction line to the southwest corner of township forty-one (41), of range eleven (11) east, thence north on the range line between ranges ten (10) and eleven (11), to the boundary line between the states of Michigan and Wisconsin, thence southeasterly on said boundary line to the range line between ranges fourteen (14) and fifteen (15) east of the fourth principal meridian, thence south on said range line to the fourth correction line, thence east on said correction line to the northeast corner of township forty (40), of range fourteen (14) east, thence south on the range line between ranges fourteen (14) and fifteen (15), to the southeast corner of township thirty-four (34), of range fourteen (14) east, thence west on the town line between

townships thirty-three (33) and thirty-four (34), to the northeast corner of township thirty-three (33), of range twelve (12) east, thence south on the range line between ranges twelve (12) and thirteen (13), to the third correction line, thence west on the said correction line to the northeast corner of township thirty (30), north of range twelve (12) east, thence south on the range line between ranges twelve (12) and thirteen (13), to the town line between townships twenty-nine (29) and thirty (30), thence west on said town line to the place of beginning.

Townships attached to Shawano county.

SECTION 2. Townships thirty-one (31), thirty-two (32) and thirty-three (33), north, of ranges thirteen (13) and fourteen (14), together with sections five (5), six (6), seven (7), eight (8), seventeen (17), eighteen (18), nineteen (19), twenty (20), twenty-nine (29), thirty (30), thirty-one (31) and thirty-two (32), of township thirty-one (31) north, of range fifteen (15), east, are hereby detached from Langlade and Oconto counties, and attached to Shawano county.

Powers conferred.

SECTION 3. The said county of Langlade is hereby organized and established with all the rights, powers and privileges, by law granted and possessed by other counties of this state, and subject to all the general laws of the state prescribed for the government of such counties, except as hereinafter provided.

County officers.

SECTION 4. Within ten days after the passage and publication of this act, the governor shall appoint in and for Langlade county, all county officers, except the chairman and members of the county board, and the said officers so appointed, shall, within fifteen days after the first meeting of the county board of supervisors of said Langlade county, duly qualify and enter upon the duties of their several offices, and shall, except the county judge and superintendent of schools, hold such offices until the first Monday in January, 1883, and until their successors shall be elected and qualified. The county judge and superintendent of schools shall hold their offices until the first Monday in January, 1882, and until their successors in office shall be elected and qualified. Such officers shall for the above named terms, receive the following salaries per annum: county clerk, $600; county treasurer, $600; county judge, $100; county superintendent of schools, $300; district attorney, $300. All other officers shall receive as compensation the fees prescribed by law and no other.

Salaries.

SECTION 5. The territory of Langlade county, as hereby constituted, shall be divided into the following

Town of Rolling.

Norwood.

Antigo.

Polar.

Gagen.

Carpenter.

towns, to-wit: town of Rolling shall consist of township thirty (30) north, of range eleven (11) east; town of Norwood shall consist of township thirty (30) north, of range (12) east; town of Antigo shall consist of townships thirty-one (31), thirty-two (32), thirty-three (33), thirty-four (34), thirty-five (35), thirty-six (36), and thirty-seven (37) north, of range eleven (11) east; town of Polar shall consist of townships thirty-one (31), thirty-two (32) and thirty three (33) north, of range twelve (12) east, and townships thirty-four (34) of ranges twelve (12), thirteen (13) and fourteen (14) east; town of Gagen shall consist of townships thirty-five (35), thirty-six (36) and thirty-seven (37) north, of range twelve (12) east, and townships thirty-eight (38), thirty-nine (39), forty (40) and forty-one (41), and fractional township forty-two (42), of ranges eleven (11) and twelve (12) east; town of Carpenter shall consist of townships thirty-five (35), thirty-six (36), thirty-seven (37), thirty-eight (38), thirty-nine (39), forty (40) and fractional townships forty-one, (41), of ranges thirteen (13) and fourteen (14) east. The towns above enumerated shall have all the powers and privileges conferred by general laws upon other towns of this state, provided, that in the towns of Antigo, Polar, Gagen and Carpenter, as above enumerated, there shall be no greater amount of taxes levied or raised by the town board of either of said towns for all purposes than the sum of one thousand and five hundred dollars in any one year during the ensuing five years: *and further provided*, that nothing herein shall affect the powers of the said town boards in relation to state and county taxes.

Vote of electors required to vacate or change boundaries of town.

SECTION 6. None of the towns hereby organized in the said county of Langlade shall be vacated or the boundaries thereof changed by the board of supervisors of said county, until the question of said change or vacation be submitted to a vote of the legal electors of the towns to be affected by such change or vacation, nor unless a majority of such electors shall vote in favor of such division or vacation: and the same shall only be submitted to a vote of the electors at an annual town meeting.

Town meeting.

SECTION 7. The first annual town meeting of the said towns shall be held as follows: In the towns of Rolling and Norwood, in the places heretofore provided by the board of supervisors of Shawano county; in the town of Antigo, at the store of N. Anderson, in the village of Antigo; in the town of Polar, at the house

of Moritz Muller, in section fifteen (15), town thirty-one (31), range twelve (12) east; in the town of Carpenter, at the former residence of Charles Van Zile, on lot two (2), section thirty-one (31), town thirty-six (36), range thirteen (13) east; in the town of Gagen, at the residence of Louis Motzfeldt, on section twenty-six (26), township thirty-five (35), range twelve (12) east.

Meeting of county board.

SECTION 8. The first meeting of the county board of the said county of Langlade shall be held at the store of N. Anderson in the village of Antigo, on the first Tuesday in May, 1881, and at such meeting said board shall fix the amount of bonds of the officers of said county and approve the same when proper sureties are furnished, locate the county seat, provide offices for the county officers, and transact such other business as may be necessary to complete the organization of said county.

County buildings.

SECTION 9. It shall be unlawful for the county board of Langlade county to raise a larger amount than one thousand dollars per year, for the five ensuing years, for county buildings.

Duty of county board.

SECTION 10. The county board of Langlade county shall at its first meeting provide for a settlement between the town of Langlade and the towns organized by the board of supervisors of Shawano county, and authorized by chapter two hundred and forty-seven of the laws of 1880, and for this purpose full power is hereby given to said county board of Langlade county, and all the powers heretofore existing in the county board of Shawano county for said purposes are hereby transferred to and vested in the county board of Langlade county.

Attached to tenth judicial circuit.

SECTION 11. The county of Langlade is hereby attached to and made a part of the tenth judicial circuit. There shall be held in said county of Langlade two terms of the circuit court in each year, and until otherwise provided by law such terms of court shall be held at such times as the circuit judge thereof shall designate. The judge of said court shall, after the passage and publication of this act, give public notice of the times of holding said terms of court by causing notice thereof to be published in some newspaper printed in said county of Langlade, at least six weeks prior to the three weeks immediately preceding the holding of said first terms of court, and the county board of said county shall provide a place for holding said court.

Repealed.

SECTION 12. So much of all acts or parts of acts as

conflict with the provisions of this chapter, are hereby repealed.

SECTION 13. This act shall take effect and be in force from and after its passage and publication.

Approved February 19, 1881.

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[No. 6, S.] [Published March 8, 1881.]

## CHAPTER 8.

**AN ACT relating to the indebtedness of municipalities and amendatory of section nine hundred and sixty *c*, of chapter forty-one, of the revised statutes.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Amendment.**

SECTION 1. Section nine hundred and sixty *c*, of chapter forty-one, of the revised statutes, is hereby amended by striking out all after the word "Wisconsin," and inserting the following: And during the period of thirty days, in which they shall be offered for sale within the county, city, village or town issuing them, as provided in this section, they shall be of denominations not exceeding one hundred dollars nor less than twenty-five dollars; but after the expiration of said period of thirty days they may be of any denomination in the discretion of the constituted and statutory authorities empowered to issue them; so that said section, when so amended, shall read as follows:

**When new bonds may be issued.**

Section 960 *c*. Whenever any bonds of any county, city, village or town, shall become due and payable, or in anticipation thereof, the constituted or statutory authorities having the power, by law, over the interests of the bond payers, may, in their discretion, cause to be issued, in proper form, new bonds having not more than twenty years to run. All bonds which may be issued for the purposes prescribed in sections nine hundred and sixty *a*, nine hundred and sixty *b*, and this section, shall first be offered for sale within the county, city, village or town issuing them, for a period of thirty days; notice of such sale shall be by advertisement in a newspaper printed in such county, city, village or town, if one be printed therein, and if not, then by advertisements posted in at least five public places in such county, city, village or town. The terms of sale of such bonds shall be that, to the person bidding the highest sum, not less than par, and offering to accept the lowest rate of interest for the whole or any part of said bonds, the said bonds in whole or in part shall be

**Where to be offered for sale.**

issued. If the bonds so offered for sale shall not have been sold, as authorized by this act, or if any portion of them shall remain unsold at the expiration of thirty days, such bonds so remaining unsold may then be disposed of by the statutory authorities in such manner as in their judgment will be for the best interests of the bond payers; but in no case shall new bonds be sold except at a rate of interest as low as that borne by the bonds for which the new bonds are to be exchanged. Such new bonds shall bear date and draw interest from the date of the payment of the bonds so retired, and shall be made payable at some stated place within the state of Wisconsin, and during the period of thirty days in which they shall be offered for sale within the county, city, village or town issuing them, as provided in this section, they shall be of denominations not exceeding one hundred dollars, nor less than twenty-five dollars; but after the expiration of said period of thirty days, they may be of any denomination in the discretion of the constituted and statutory authorities empowered to issue them.

Where payable.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 19, 1881.

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[No. 10, S.] [Published February 21, 1881.]

## CHAPTER 9.

AN ACT relating to jurors, and amendatory of section two thousand eight hundred and forty-nine of the revised statutes.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section two thousand eight hundred and forty-nine of the revised statutes of the state of Wisconsin, shall be and hereby is amended, by adding thereto the following proviso: *Provided*, that nothing contained in this section shall be construed as abridging in any manner the right of either party, in person or through his attorneys, to examine any person so called in regard to his qualifications, as fully as if this section did not exist.

Examination of jurors as to qualifications.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 19, 1881.

[No. 20, S.] [Published February 21, 1881.]

## CHAPTER 10.

AN ACT to amend section two thousand four hundred and thirty-three of chapter one hundred and thirteen of the revised statutes, entitled of the circuit courts.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Court commissioner in Dane county.

SECTION 1. Section two thousand four hundred and thirty-three of chapter one hundred and thirteen of the revised statutes, is hereby amended by adding the words "and Dane," at the end thereof.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 19, 1881.

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[No. 31, S.] [Published February 21, 1881.]

## CHAPTER 11.

AN ACT to appropriate to the governor's contingent fund a certain sum of money therein named.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation $2000.

SECTION 1. There is hereby appropriated to the governor of the state of Wisconsin the sum of two thousand dollars, out of any money in the treasury not otherwise appropriated, for a contingent fund.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 19, 1881.

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[No. 42, S.] [Published February 21, 1881.]

## CHAPTER 12.

AN ACT to authorize the town of Neenah to hold its elections and town meetings within the corporate limits of the city of Neenah.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Meetings of town board.

SECTION 1. The town board of the town of Neenah, of the county of Winnebago, is hereby authorized and empowered to hold its meetings and transact any and all business of said town at such place or places within the corporate limits of the city of Neenah, in said county, as said board by an order made and entered in its minutes may determine.

SECTION 2. Any general or special election, and any annual or special town meeting, of said town of Neenah, hereafter to be held or ordered, may be held within the corporate limits of said city of Neenah, at such place therein as the town board of said town may designate; and at such elections and town meetings the inspectors thereof and town boards shall have all the powers and may discharge all the duties conferred by law upon and required by town boards and inspectors of elections and town meetings, the same as if said elections and town meetings were held within the limits of said town of Neenah: *provided*, the notice of said election or town meeting shall specify the place where the same will be held; and any such election or town meeting hereafter so held within the limits of said city shall be as legal in all respects as the same would be if held within the limits of said town, anything in the laws of the state to the contrary notwithstanding. Elections may be held in city of Neenah.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 19, 1881.

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[No. 61, S.] [Published February 21, 1881.]

## CHAPTER 13.

**AN ACT to amend section one thousand nine hundred and thirty-three of the revised statutes, relating to town insurance companies.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Amend section one thousand nine hundred and thirty-three of the revised statutes, by adding after the word "thereof," where it occurs in the sixth line of said section, the following: "together with all legal costs and charges incurred in case legal proceedings are commenced to collect any assessment made upon him;" so that said section when so amended shall read as follows: Section 1933. Every person to whom any such policy is issued shall be deemed a member of such corporation, and shall give his undertaking, bearing even date with the policy so issued to him, binding himself, his heirs and assigns, to pay his *pro rata* share to the corporation of all losses or damages by fire or lightning which may be sustained by any member thereof, together with all legal costs and charges incurred in case legal proceedings are commenced to collect any assessment made upon him; and every such under- Liability of policy holders.

taking shall, within ten days after its acceptance, be filed in the office of the secretary, and shall remain on file in such office except when required to be produced in court as evidence. He shall also, at the time of effecting such insurance, pay such percentage in cash and such reasonable sums for a policy as may be required by the rules or by-laws.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 19, 1881.

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[No. 77, S.] [Published February 21, 1881.]

## CHAPTER 14.

AN ACT to appropriate a certain sum of money to pay the extra employes of the legislature.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation.

SECTION 1. There is hereby appropriated out of any moneys in the general fund not otherwise appropriated, a sum sufficient to cover the salaries of the extra employes of the legislature of 1881.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 19, 1881.

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[No. 59, A.] [Published February 26, 1881.]

## CHAPTER 15.

AN ACT to amend the charter of the city of Oshkosh.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amendment.

SECTION 1. Section two of chapter seven of chapter one hundred and twenty-three of the general laws of 1877, entitled an act to revise, consolidate and amend the charter of the city of Oshkosh, the act incorporating the city, and the several acts amendatory thereof, is hereby amended by striking out the word "eight," in the eighth line of said section, and inserting in lieu thereof the word "ten."

Water works.

SECTION 2. Section ten of chapter six of chapter one hundred and twenty-three of the general laws of 1877, entitled an act to revise, consolidate and amend the charter of the city of Oshkosh, the act incorporating the city, and the several acts amendatory thereof, is hereby

amended so as to read as follows: Section 10. The common council of the city of Oshkosh, may, by ordinance, adopt by majority vote of the members of said common council, empower, authorize and permit any corporation, association or individual, to erect, construct, complete and maintain in the city, water works, and to grant to any individual, association or corporation, the privilege to run through and lay water pipes under any street or alley, or above ground, and to erect hydrants and build such buildings and use such machinery as will be necessary to construct such water works; and the common council of said city may contract with such individual, association or corporation to supply said city with water, and rent or purchase hydrants, and the expense thereof be charged to such wards or districts wherein such hydrants are erected; and the aldermen or a majority thereof of each ward may divide the wards which they respectively represent into one or more water districts, with power to alter the boundaries thereof or redistrict the same; or the common council may build, erect, construct, complete and maintain in the city, water works, with or without steam engines to run the same, may set the engines in the Fox river, Lake Butte des Mortes or Lake Winnebago, and run pipes therefrom through the city underground and above ground; or may build water works by sinking artesian wells and fountains and making reservoirs, and may purchase patented rights for patent water works, or purchase water works erected by any individual, corporation or association; may rent the use of the water to residents and provide for the collection of the rents, impose fines and penalties for the care and protection of the water and water works, do all the common council may deem necessary to be done in the premises to supply the city and the residents thereof with water, by ordinance: *provided, however*, that no such ordinance to build or purchase water works shall be valid and binding, until the same shall be submitted to the vote of the qualified electors of said city, which may be done at a regular or special election called for that purpose by a majority vote of the common council. At least two weeks' notice thereof shall be given, and if a majority of the qualified electors voting, shall vote in favor of such ordinance to build or purchase water works, the common council may raise the whole or part of the money required by the ordinance to build or purchase the water works by special tax, or by inserting the same in the annual tax roll, or

may raise the whole or part thereof by issuing the bonds of the city therefor and selling the same, which bonds may be made payable in twenty years (or less number of years), in equal annual payments, not to draw to exceed eight per cent. interest, payable annually.

Water tax.

SECTION 3. There shall be levied and assessed upon, and collected from, all the taxable property in such district, a tax or assessment to pay all the cost and expense for water used, and for the rental of the hydrants by the city, in such ward or district as aforesaid; the same shall be collected therefrom as other taxes and assessments are collected.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved February 21, 1881.

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[No. 11, S.] [Published February 28, 1881.]

## CHAPTER 16.

AN ACT to legalize the official acts of the board of trustees of the Eau Claire Wesleyan Seminary, of the city of Eau Claire, Wisconsin.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Acts legalized.

SECTION 1. The official acts of the board of trustees of the Eau Claire Wesleyan Seminary, in authorizing the execution of a certain note and mortgage, for the sum of eight hundred and fifty dollars, and the execution thereof on the twenty-fifth day of June, 1880, by E. C. French as president, and W. W. Downs as secretary, of said board, and all other official acts of said board of trustees, and of the officers elected by said board, are hereby declared legal and valid, and shall have the same binding force and effect as if the ministers appointed by the northwest Wisconsin conference of the Methodist Episcopal church as visitors to the said seminary, and who are by law constituted *ex officio* members of the board, had been present at and had participated in all meetings, elections, and the transaction of all other business by said board of trustees, or held thereby, and all other provisions of law had been complied with.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 25, 1881.

[No. 28, S.] [Published February 28, 1881.]

## CHAPTER 17.

AN ACT relating to the practice under the civil jurisdiction of the county courts of Winnebago, Fond du Lac and Dodge counties.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The judges of the county courts of Winnebago, Fond du Lac and Dodge counties, shall not be required to call the calendar for trial in its order at any regular term thereof, sitting as courts of civil jurisdiction, but may in the discretion of any such judge set down the cases on such calendar for trial at times certain, upon the stipulation of the parties, or on the application of either party entitled to move the cause, upon notice of such intended application to the opposite party, and may by rules regulate and prescribe the practice in relation to setting down cases for trial, and striking juries, and issuing venires in cases wherein juries are required. Said county court shall be deemed to be open for the transaction of business from the commencement of any regular term thereof until any such term is adjourned without day, or until the next regular term thereof, and no adjournment from day to day shall be necessary to the validity of any proceedings in said courts, but no per diem shall be allowed to any officer of said courts excepting for days on which said courts are actually in session, transacting business. Authority of judges.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 25, 1881.

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[No. 39, S.] [Published February 28, 1881.]

## CHAPTER 18.

AN ACT to amend section two thousand four hundred and sixty-nine of the revised statutes, in relation to terms of county courts.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section two thousand four hundred and sixty-nine of the revised statutes, is hereby amended so as to read as follows: Section 2469. The terms of the county courts in said counties for the transaction of civil business shall be held as follows: In the county of Brown, on the first Monday in February, Brown.

the first Monday in May and the second Monday in November. The first week of each term shall be devoted exclusively to cases triable by the court only.

Dodge. In the county of Dodge, on the first Tuesday in June and the first Tuesday in December, and special terms shall be held on the first Tuesday in each month, except the months of June and December; but no issues of facts or appeals shall be heard or tried at such special terms.

Fond du Lac. In the county of Fond du Lac, on the second Monday in January, May and September, and special terms on the second Monday in April and October; but no issues of fact or appeals shall be tried at such special terms.

Milwaukee. In the county of Milwaukee, on the first Monday in January and February, the second Monday in March, the first Monday in May, June, September, October, November and December; but no jury shall be summoned for either of said terms, except for those appointed to be held on the second Monday in March and the first Monday in June, September and December.

Winnebago. In the county of Winnebago, on the second Monday in February, May and October, and special terms shall be held on the first Monday in each month, except the months of February, May, July, August and October; but no issues of fact or appeals shall be heard or tried at such special terms. All the terms of such courts shall be held in the court house at the county seat of their respective counties.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 25, 1881.

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[No. 48, S.] [Published February 28, 1881.]

## CHAPTER 19.

**AN ACT relating to police regulations in unincorporated villages.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Authority of town board. SECTION 1. The town board of any town containing an unincorporated village, may, when in its discretion the public good requires, appoint not exceeding three policemen, one night watchman and one superintendent of police, and prescribe their duties and make by-laws for their government. And said policemen, night watchman and superintendent shall have the same powers as are now conferred by law upon constables.

SECTION 2. The compensation of such policemen, night watchman and superintendent of police shall be fixed by the town board, and be paid from the general fund of the town. Compensation.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 25, 1881.

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[No. 43, S.] [Published February 28, 1881.]

## CHAPTER 20.

**AN ACT to amend section one hundred and seventy-five of the revised statutes, relating to the powers of notaries public.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one hundred and seventy-five of the revised statutes is hereby amended by striking out the word "and," where it occurs in the fourth line thereof, and inserting after the word "take," in said line, the words "depositions and," so that said section, when so amended, shall read as follows: Section 175. Notaries public shall have power to demand acceptance of foreign and inland bills of exchange, and payment thereof, and payment of promissory notes, and may protest the same for non-acceptance or non-payment, may administer oaths, take depositions and acknowledgments of deeds, and perform such other duties as, by the law of nations, or according to commercial usage, may be exercised and performed by notaries public. Amendment. Powers of notaries.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 25, 1881.

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[No. 49, S.] [Published February 28, 1881.]

## CHAPTER 21.

**AN ACT to authorize the county board of supervisors of Kenosha county to issue and negotiate bonds for certain purposes therein named.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The county board of supervisors of the county of Kenosha is hereby authorized and empowered to issue and negotiate the bonds of said county of Kenosha for the principal sum of twenty thousand dol- County may issue $20,000 in bonds.

lars, to bear interest at no greater rate than five per cent. per annum, in such denominations and maturing at such time as said board shall indicate, for the purpose of constructing a court house and jail at the city of Kenosha, in said county.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 25, 1881.

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[No. 75, S.] [Published February 28, 1881.]

## CHAPTER 22.

AN ACT to amend section two thousand nine hundred and twenty-five of chapter one hundred and twenty-nine, of the revised statutes, entitled of costs and fees allowed to parties in circuit court.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Costs on appeal from justice.

SECTION 1. Section two thousand nine hundred and twenty-five of chapter one hundred and twenty-nine of the revised statutes of 1878, is hereby amended by adding thereto, the following: "together with all costs and fees by law taxable in the justice's court in such action."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 25, 1881.

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[No. 2, S.] [Published February 28, 1881.]

## CHAPTER 23.

AN ACT relating to and amendatory of sections three, four and five of chapter three hundred and thirty of the private and local laws of the state of Wisconsin for the year 1863, entitled an act to incorporate the Eau Claire Wesleyan Seminary.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Trustees.

SECTION 1. Section three of said chapter three hundred and thirty of the private and local laws of the state of Wisconsin for the year 1863, is hereby amended so as to read as follows: Section 3. The business of said corporation shall be managed by a board consisting of nine trustees, who are named herein and above in this chapter, or their successors in office.

Terms of office.

SECTION 2. Section four of said chapter three hundred and thirty, is hereby amended so as to read as follows: Section 4. The first meeting of the board

of trustees shall be held in Eau Claire on the first day of May, 1863, when it shall proceed to divide by lot the members thereof into three equal classes, whose terms of office respectively shall terminate in one, two, and three years (three years being a full term); and all vacancies, whether caused by expiration of office or otherwise, shall be filled by the board of trustees.

Authority of board.

SECTION 3. Section five of said chapter three hundred and thirty, is hereby amended so as to read as follows: Section 5. The board of trustees shall have power to elect from its number a president, secretary and treasurer, and all other officers of the corporation; to sell, lease, mortgage, or otherwise dispose of any real or personal property of said corporation, for the use and benefit of the above named institution of learning; to erect and keep in repair all necessary buildings for the use of said corporation; to employ suitable teachers, and to give direction as to the course of study and discipline to be observed in the seminary, and generally to manage the business and funds of said corporation, and to make all rules, regulations and by-laws necessary to carry into effect the powers herein granted, and not inconsistent with the laws of this state.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved February 25, 1881.

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[No. 12, S.] [Published March 1, 1881.]

## CHAPTER 24.

**AN ACT to amend section two, chapter thirty, of private and local laws of 1856, entitled an act to incorporate the Mayville union school district, in the county of Dodge.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Election of officers.

SECTION 1. Paragraph one of section two of chapter thirty of the private and local laws of 1856, entitled "an act to incorporate the Mayville union school district," is hereby amended to read as follows: To elect by ballot at the next annual school meeting to be held on the second Monday in July, 1881, one director for the term of three years, one director for the term of two years, one director for the term of one year, one treasurer for the term of one year, and one clerk for the term of three years; to elect by ballot at each subsequent annual school meeting, after the meeting above

designated, one director for the term of three years, and one treasurer for the term of one year; also to elect by ballot at each third annual school meeting, after the school meeting of 1881 aforesaid, one clerk for the term of three years, all of whom shall constitute the board of trustees of the Mayville union school district, which said board shall also be the board of the Mayville free high school.

SECTION 2. All acts or parts of acts conflicting with this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 25, 1881.

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[No. 40, S.] [Published February 26, 1881.]

## CHAPTER 25.

AN ACT to provide for the purchase of four hundred copies of Webster's dictionary.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Purchase authorized.

SECTION 1. The state superintendent is hereby authorized and directed to purchase, on behalf of the state, four hundred copies of the latest edition of Webster's unabridged dictionary, at a cost, delivered at his office, not to exceed seven dollars per copy.

Distribution.

SECTION 2. Said dictionaries, when procured, shall be distributed in accordance with the provisions of section five hundred and nine of the revised statutes.

Appropriation.

SECTION 3. There is hereby appropriated out of the general fund a sum sufficient to pay for the dictionaries above provided for.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved February 25, 1881.

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[No. 159, A.] [Published March 1, 1881.]

## CHAPTER 26.

AN ACT to legalize the corrected tax roll of the third ward of the city of Beloit.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Legalized.

SECTION 1. The tax roll of the third ward of the city of Beloit, now in the hands of the treasurer of said city, as the same has been corrected under his direc-

tion, is hereby declared to be as valid and legal as the same would have been if the several parcels and lots of land in said ward had been properly described in the last corrected assessment roll of said ward and in said tax roll, when said tax roll was delivered to said treasurer for the purpose of collecting the taxes thereon.

Delinquent list.

SECTION 2. In case the treasurer of said city of Beloit shall be unable to collect the tax upon any lot or parcel of land in the said third ward, as the same appears upon said corrected tax roll, so that it shall become necessary to return the same as delinquent, such lot or parcel of land shall be described in the tabular statement made by the treasurer, pursuant to the requirements of section one thousand one hundred and thirteen of the revised statutes, by the description thereof as it appears upon such corrected tax roll, and thereafter in all proceedings had or taken by the county treasurer or county clerk of Rock county in relation to such delinquent tax, such piece or lot of land shall be described in the same manner as in such tabular statement.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 26, 1881.

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[No. 182, A.] [Published February 26, 1881.]

## CHAPTER 27.

AN ACT in relation to the election and classification of directors in certain cases.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Classification of directors.

SECTION 1. Every railway corporation created or hereafter to be created by the consolidation of railway corporations organized and existing solely under the laws of this state, and in whose articles of consolidation the first board of directors is named, may, at any time within one year after the date of filing a certified copy of said articles, and of the record of approval thereof, or of the consent of the requisite number of stockholders thereto, in the office of the secretary of state, as provided by law, by resolution adopted by vote of said board of directors, classify its directors into three classes, to be known as the first, second and third class, so that of the board, as the same exists at the date of such classification, the term of office of the directors in the first class shall expire at the annual meeting next ensuing

after such classification, and those in the second class at the second ensuing annual meeting thereafter, and those of the third class at the third ensuing annual meeting thereafter, and at each annual meeting after such classification shall have been made as aforesaid, a number of directors shall be elected by the stockholders for three years equal to the number whose term of office shall then expire; all other vacancies to be filled in accordance with the by-laws.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 26, 1881.

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[No. 152, A.] [Published March 1, 1881.]

## CHAPTER 28.

AN ACT relating to and amendatory of section two of chapter fifteen of chapter one hundred and sixty three of the laws of Wisconsin for the year 1879, relating to the charter of the city of Jefferson.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Board of education.

SECTION 1. Section two of chapter fifteen of chapter one hundred and sixty-three of the laws of Wisconsin for the year 1879, is hereby amended so as to read as follows: Section 1. There shall be elected by the common council of the city of Jefferson a board of education, which shall be composed of two commissioners from each ward of said city. The first election of such commissioners shall be at the meeting of said common council to be held on the third Tuesday of April in the year 1881, at which time a full board of commissioners shall be elected. The commissioners first elected shall enter upon the duties of their office on the first Tuesday of May after their election, and shall continue in office as follows: One commissioner from each ward one year, and one commissioner from each ward for two years; and thereafter the term of all commissioners elected shall commence on the first Tuesday of May after election; and on the third Tuesday of April of each year after the first election there shall be elected by said common council, one school commissioner in each ward to succeed the members of the board of education whose term of office will expire on the succeeding first Tuesday of May, who shall hold their office for the term of two years, and until their successors are elected and qualified. [Approved February 26, 1881.]

Terms of office.

[No. 151, A.] [Published March 1, 1881.]

## CHAPTER 29.

AN ACT relating to and amendatory of chapter two hundred and sixty-three, of the laws of Wisconsin for the year 1878, relating to the charter of the city of Jefferson.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section five, of chapter four, of chapter two hundred and sixty-three, of the laws of Wisconsin for the year 1878, entitled "An act to incorporate the city of Jefferson," is hereby amended so as to read as follows: Section 5. All persons qualified to vote at general elections in this state, who shall be residents of the city at the time of holding an election pursuant to the city charter, shall be legal voters for any officer required to be elected by this act. If any person's right to vote be challenged, or if the inspectors have reason to believe that any person who offers to vote does not possess the qualifications of an elector, the inspectors shall decide upon the challenge or upon the qualifications of the person as an elector, in the same manner as is required by law at general elections. Qualified electors.

SECTION 2. Sections one, two and three, of chapter twelve, of chapter two hundred and sixty-three of the laws of Wisconsin for the year 1878, entitled "An act to incorporate the city of Jefferson," is hereby amended so as to read as follows: Section 1. Sidewalks may be constructed upon the application of tax payers as follows: Whenever ten or more tax payers residing in said city shall make and deliver to the city clerk a petition in writing, setting forth the street and the abutting lots and blocks along which they desire to have a sidewalk constructed, it shall be the duty of said clerk to file said petition in the city clerk's office, and lay it before the common council at its first meeting thereafter. Section 2. Whenever a petition shall have been filed and laid before the common council, as specified in the preceding section, it shall be the duty of the common council to examine into the matters set forth in such petition, and if in the opinion of the common council the sidewalks prescribed in the petition would be of general advantage, the common council shall pass a resolution ordering the construction thereof and prescribing the material, width, length and locality where such sidewalks shall be constructed. Section 3. Whenever it shall be necessary, in the opinion of the common council, to repair or reconstruct any sidewalk, Sidewalks.

the common council may cause such sidewalk to be repaired or reconstructed, and the cost of constructing, repairing and reconstructing sidewalks provided for herein, shall be paid for out of any funds in the city treasury not otherwise appropriated.

Repealed.

SECTION 3. Sections four, five, six, seven, eight, nine, ten and eleven, of chapter twelve, of chapter two hundred and sixty-three of the laws of Wisconsin for the year 1878, are hereby repealed.

Approved February 26, 1881.

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[No. 118, A.] [Published March 1, 1881.]

## CHAPTER 30.

**AN ACT** to authorize the city of Oshkosh to issue its bonds to pay the debts of said city.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amount and denomination of bonds.

SECTION 1. The city of Oshkosh, being indebted in the sum of sixty thousand dollars, is hereby authorized and empowered to issue its negotiable bonds for the sum of sixty thousand dollars, for the purpose of paying such indebtedness. Such bonds, to the amount of forty-five thousand dollars, shall be of the denomination of one thousand dollars each, and the remainder of said bonds shall each be of the denomination of one hundred dollars; and all of said bonds shall be signed by the mayor and clerk of said city, and shall have affixed thereto the seal of said city, and they shall each recite or refer to the act under which they are issued. Such bonds shall draw or bear interest not to exceed the rate of five per cent. per annum, payable annually, and shall mature and become due at such time or times as the common council of said city of Oshkosh shall direct: *provided, however*, that said bonds shall all be payable within twenty years from the time when the indebtedness accrued for the payment of which said bonds are to be issued.

Interest.

Tax levy.

SECTION 2. During each year and until such bonds, together with the interest which shall accrue thereon, shall be fully paid, the city of Oshkosh shall annually raise, by tax on the taxable property of said city, a sum of money sufficient to pay the annual interest that may accrue and become due upon such bonds, together with any sum or sums that may become due for the principal or any part thereof, which said sum or sums shall be by the city clerk of said city inserted each

year in the tax roll of said city, and shall be collected annually as other taxes are collected, and when so collected shall be applied to the payment of the principal and interest of said bonds, and for no other purpose.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 26, 1881.

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[No. 53, A.] [Published March 1, 1881.]

## CHAPTER 31.

AN ACT to amend section three of chapter one hundred and five of the general laws of 1868, entitled an act to accept a grant of land made to the state of Wisconsin by act of congress, to aid in the construction of the Sturgeon Bay and Lake Michigan ship canal and harbor in Door county, to connect the waters of Green Bay with Lake Michigan, and to provide for the construction of the same.

WHEREAS, The Sturgeon Bay and Lake Michigan ship canal and harbor company has, under the provisions of chapter one hundred and five of the general laws of 1868, completed a large portion of the work of constructing said canal; and Preamble.

WHEREAS, From the experience obtained from the work thus far completed, it has become evident that a certain revetment provided for at the head of Sturgeon Bay is unnecessary at that point for the maintenance of the canal, and that the said revetment would be better applied at a point east from the designated location in the deep cutting: therefore,

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. That section three of chapter one hundred and five of the general laws of 1868, be, and the same is hereby amended, by adding thereto the following: And the governor shall have the power to designate the location of revetment provided for, as experience may warrant, during the progress of the work. Authority of governor.

SECTION 2. It shall be the duty of the said canal company to complete the said canal in conformity with the provisions of the laws now in force in all other respects. Duty of canal company.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 26, 1881.

[No. 55, S.] [Published March 1, 1881.]

## CHAPTER 32.

AN ACT to authorize the superintendent of public property to furnish stationery and stamps to employes of the senate and assembly, and to appropriate money therefor.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Extra employes.

SECTION 1. The superintendent of public property is hereby required to furnish those employes of the senate and assembly for the year 1881, under the clerk and sergeant-at-arms thereof, and to the committee clerks of the senate and assembly, stationery to the amount of five dollars each, and postage stamps to the amount of two dollars each, and to each messenger stationery to the amount of three dollars each and postage stamps to the amount of one dollar each.

Appropriation.

SECTION 2. There is hereby appropriated to the superintendent of public property, out of any money in the state treasury not otherwise appropriated, a sum sufficient to meet the requirements of the preceding section.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 26, 1881.

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[No. 485, A.] [Published March 1, 1881.]

## CHAPTER 33.

AN ACT to provide for the publication of two thousand copies of the blue book for the year 1881.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Two thousand copies at ninety cents each.

SECTION 1. The secretary of the state is hereby authorized to contract for the publication of two thousand copies of the blue book for the year 1881, at a price not to exceed ninety cents per copy, the book to be in every respect as good as those now published or to be published for the present year. Said books to be published and placed in the hands of the superintendent of public property on or before the fifteenth day of March, 1881, and by him sold to members of the legislature and others, at cost: *provided*, that not more than twenty-five copies shall be sold to any one person or firm.

Appropriation.

SECTION 2. There is hereby appropriated out of the state treasury not otherwise appropriated, a sum of money sufficient to carry out the provisions of this act.

SECTION 3. This act shall be in force from and after its passage and publication.

Approved February 26, 1881.

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[No. 142, A.] [Published March 1, 1881.]

## CHAPTER 34.

AN ACT to amend section five of chapter one hundred and forty-eight of the laws of 1873, entitled an act to incorporate the city of Boscobel.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section five of chapter one hundred and forty-eight, of the laws of 1873, is hereby amended as follows: By striking out all of said section down to and including the word "election," where it occurs in the sixth line of said section, and substituting in lieu thereof the following: The clerk shall give at least ten days' notice of the time and place of holding an election, and the mayor and alderman, or any two of them, shall preside at every such election; and any vacancy in the office of mayor shall be filled by the city council, at a regular or special meeting held for that purpose, of which meeting each member of the city council shall be notified at least twenty-four hours before the time thereof, the votes to be taken by "ayes" and "noes" and entered of record, a plurality of votes to elect; and when any vacancy exists in the office of alderman, treasurer, justice of the peace, or constable who is ex-officio marshal of said city, the same shall be filled by appointment by the mayor, with the consent thereto of a majority of the members of the city council, given at any regular or special meeting called for that purpose, the consent of the members of the city council expressed by "ayes" and "noes," and entered of record; such appointment to fill vacancy shall be until the next succeeding city election, said notice of appointment to be filed with city clerk. Said section five, as amended, to read as follows: Section 5. The clerk shall give at least ten days' notice of the time and place of holding an election, and the mayor and alderman, or any two of them, shall preside at every such election, and any vacancy in the office of mayor shall be filled by the city council, at a regular or special meeting held for that purpose, of which meeting each member of the city council shall be notified at least twenty-four hours before

Amendment.

Elections.

the time thereof, the votes to be taken by "ayes" and "noes" and entered of record, a plurality of votes to elect; and when any vacancy exists in the office of alderman, treasurer, justice of the peace, or constable who is *ex officio* marshal of said city, the same shall be filled by appointment by the mayor, with the consent thereto of a majority of the members of the city council, given at any regular or special meeting called for that purpose, the consent of the members of the city council expressed by vote of "ayes" and "noes" and entered of record; such appointment to fill vacancy shall be until the next succeeding city election, said notice of appointment to be filed with the city clerk: *provided*, that when any vacancy occurs in the office of any alderman, the same shall be filled by a qualified elector and resident of the ward in which such vacancy occurs, and in the manner provided in this act. All other officers shall be appointed by the mayor and aldermen, and shall hold their offices during the term for which such mayor and aldermen are elected, and until their successors are appointed and qualified, and shall be subject to removal by said mayor and aldermen. All persons qualified to vote in said city for member of the state assembly, and who are residents of said city at the time such vote is offered, shall be legal voters for corporation officers. The voters present at any election may appoint three voters to act as judges of election, in case there shall not be a quorum of aldermen present to conduct the election. All acts and parts of acts conflicting with this act, are hereby repealed.

Vacancies.

SECTION 2. This act to be in force from and after its passage and publication.

Approved February 26, 1881.

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[No. 23, A.] [Published, March 1, 1881.]

## CHAPTER 35.

AN ACT to amend section two thousand four hundred and twenty-four, of chapter one hundred and thirteen, of the revised statutes, entitled "of courts of record."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. So much of section two thousand four hundred and twenty-four of chapter one hundred and thirteen of the revised statutes, as relates to the sixth circuit of the circuit court of the state of Wisconsin, is

amended so as to read as follows: Sixth circuit. In the county of Clark, on the first Monday in March, and the first Monday in September. In the county of Jackson, on the third Monday in March, and the third Monday in September. In the county of La Crosse, on the second Monday in May, and the second Monday in November. In the county of Monroe, on the first Monday in April, and the first Monday in October. In the county of Trempealeau, on the second Monday in June, and the second Monday in December. In the county of Vernon, on the fourth Monday in April and the third Monday in October. Every general term in the counties of La Crosse, Monroe, Jackson and Trempealeau, shall also be a special term for the whole judicial circuit. At any special term of said court herein provided for, any and all business may be done arising in any county of the circuit; which might be done at any general term except the trial of issues of fact by a jury in cases other than those arising in actions of quo warranto and mandamus; and excepting also the trial of issues of fact in actions made local by law and arising in some county other than the one in which such special term shall be held.

Clark. Jackson. La Crosse. Monroe. Trempealeau. Vernon. Special terms.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 26, 1881.

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[No. 47, S.] [Published March 1, 1881.]

## CHAPTER 36.

AN ACT to amend the union school law of the city of Watertown.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section eight of chapter one hundred and seventy-one of the private and local laws of 1878, is hereby amended by striking out the following words where they occur in said chapter: "who shall be ex-officio clerk of the board."

Clerk of board of education.

SECTION 2. Section thirteen of said chapter one hundred and seventy-one, is hereby amended by striking out the first five words and substituting as follows: "At the same time and in the same manner as provided for electing a superintendent of schools, in section eight of this act, there shall be elected a clerk of the board, who," and by adding to said section: "The

Election.

amount of his compensation shall be determined by the board of education, and the manner of payment."

Examination of teachers.

SECTION 3. Section twenty five is hereby so amended as to read as follows: "The superintendent shall examine all teachers making application for schools (examination to be public and in the presence of the board); shall grant certificates to said persons so examined, as shall be deemed by him and a majority of the board, suitably qualified, and shall carry into effect the rules and regulations of the board in reference to the common schools, and to prepare any reports required by this act or the general laws, and to transmit them to such authorities as the law requires. In addition to the foregoing duties, he shall visit the common schools of the city at least twice in each term, and report their condition to the board. He shall also perform such other duties with respect of such schools as the board may assign to him. The amount of his compensation shall be determined by the board of education and paid in the same manner as teachers' wages are paid."

Duty of executive officers.

SECTION 4. Section twenty-six of said chapter, is so amended as to read as follows: "The clerk shall be the executive officer of the board of education, and shall carry into effect the ordinances of the common council in reference to the public schools; he shall be charged with the care and custody of the several school houses of the city, and, under the direction of the board, shall superintend the building, enlarging, improving, furnishing and repairing of all the school houses ordered to be erected by them, and the making of all repairs and improvements on and around the same. He shall have under his custody all the books owned by the board of education, and shall perform all the duties as are laid down for him in the rules and regulations adopted by the committee on free textbooks. It shall also be his duty to prepare all the reports required by this act or the general school laws, in the manner and at the time specified by said laws, and to transmit them to such authorities as the law requires. Furthermore, it shall be the duty of the clerk to file at the office of the city clerk, every month, a correct list of the school orders issued duing the past month."

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved February 26, 1881.

[No. 192, S.] [Published March 3, 1881.]

## CHAPTER 37.

AN ACT to change the third and fourth judicial circuits, and to create the thirteenth judicial circuit.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The counties of Dodge, Washington and Ozaukee are hereby detached from the third judicial circuit. Counties detached.

SECTION 2. The county of Calumet is hereby detached from the fourth judicial circuit, and attached to and made a part of the third judicial circuit, and the third judicial circuit shall hereafter comprise the counties of Winnebago, Green Lake and Calumet. Third circuit.

SECTION 3. The counties of Dodge, Washington and Ozaukee shall hereafter comprise a judicial circuit to be known and called the thirteenth judicial circuit. Thirteenth circuit.

SECTION 4. The general term of the circuit court for the thirteenth judicial circuit shall be held as follows: In the county of Washington on the second Monday in October and the third Monday in March. In the county of Ozaukee on the fourth Monday in September and the first Monday in March. In the county of Dodge on the first Monday in September and the second Monday in February. Washington. Ozaukee. Dodge.

SECTION 5. The general terms of the circuit for the county of Calumet shall be held on the second Monday in December and the second Monday in May. Calumet.

SECTION 6. At any general or special term of the circuit court in the thirteenth judicial circuit, any and all business may be done arising or pending in any county in said circuit which might be done at a general term in the several counties, except the trial of issues of fact by a jury. General and special terms in thirteenth circuit.

SECTION 7. There shall be held in the thirteenth judicial circuit on the first Tuesday in April next, an election for judge of said circuit, which said election shall be held and conducted, and returns thereof made and the result canvassed and declared in the same manner as now provided by law for the election of judges of the circuit courts, and all laws applicable thereto shall apply to the election of judge provided for in this act. Judicial election.

SECTION 8. The term of office of the judge of the thirteenth circuit shall commence on the first Monday in January, 1882, and until that time the judge of the Term of office.

third judicial circuit shall continue to hold courts in the several counties named in section one of this act, in the same manner and at the same time and with the same force and effect as if this act had not been passed.

Repealed.

SECTION 9. All laws so far as they conflict with any of the provisions of this act, are hereby repealed.

SECTION 10. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1881.

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[No. 63, S.] [Published March 4, 1881.]

## CHAPTER 38.

AN ACT to appropriate to the commissioners of fisheries a certain sum therein named.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation $7,000

SECTION 1. There is hereby appropriated to the commissioners of fisheries of the state of Wisconsin, the sum of seven thousand dollars, out of any money in the treasury not otherwise appropriated, to be expended by them in the artificial propagation and distribution of fish, pursuant to the provisions of the statutes.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1881.

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[No. 16, S.] [Published March 4, 1881.]

## CHAPTER 39.

AN ACT to repeal chapter two hundred and eighty-seven of the private and local laws of 1876, entitled an act to authorize John P. Jacobson to erect and maintain a dam in Burnett county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Repealed.

SECTION 1. Chapter two hundred and eighty-seven of the private and local laws of 1876, is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1881.

[No. 1, S.] [Published March 4, 1881.]

## CHAPTER 40.

**AN ACT in relation to the adulteration of food.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Every person, company or corporation, who shall manufacture, sell, or offer for sale, any article in imitation of butter which has been manufactured wholly or in part from tallow, shall mark each firkin, tub, package, or parcel, on top of same, in letters of not less than one-half inch in length, and breadth in proportion, and in such manner that it may be plainly seen, the word "oleomargarine." If made wholly or partially from lard, each firkin, tub, parcel or package shall be marked "butterine," in large letters, as above required. **Imitation butter or oleomargarine.**

SECTION 2. Every person, company or corporation, who shall sell, or offer for sale, honey, or any imitation of honey, which is adulterated with glucose, or any other substance, shall mark the package or parcel with the words "adulterated honey," as required by section one of this act. **Adulterated honey.**

SECTION 3. Any person, company or corporation that manufactures or offers for sale cheese that has been made in part of oleomargarine, or where anti-huff or any other substance has been used to adulterate the same, shall mark each cheese as required by section one of this act, with the name of the article or articles used in adulterating the same. **Imitation cheese.**

SECTION 4. Any person found guilty of any violation of this act shall for each offense be punished by imprisonment in the county jail, not less than ten days nor more than six months, or by a fine of not less than ten dollars nor more than one hundred dollars, or both, in the discretion of the court. **Penalty.**

SECTION 5. One-half of all fines imposed by the enforcement of this act shall be paid to the person who informs against and prosecutes such offender to conviction. **Half of fine to go to informant.**

SECTION 6. All acts or parts of acts conflicting with the provisions of this act, are hereby repealed.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1881.

[No. 17, S.] [Published March 4, 1881.]

## CHAPTER 41.

**AN ACT to authorize John P. Jacobson, his associates and assigns, to construct and maintain a dam across Wood river, in Burnett county.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Location of dam.

SECTION 1. John P. Jacobson, his associates and assigns, are hereby authorized to construct and maintain a dam across Wood river, upon land owned by said John P. Jacobson, in section twenty-three (23), town thirty-eight (38) north, of range number eighteen (18) west, of the fourth principal meridian, in the county of Burnett; said dam to be constructed for hydraulic and manufacturing purposes, and for the purpose of facilitating the driving of logs and timber down said stream: *provided*, that the said dam shall not raise the water to exceed thirteen feet.

No toll to be charged.

SECTION 2. The aforesaid person, his associates and assigns, shall build suitable slides in said dam for running logs, timber and lumber over the same, and shall put through said dam all logs, timber and lumber, belonging to any and all other persons, free and clear of charge and expense.

Penalty for injuring dam.

SECTION 3. Any person or persons who shall willfully break or destroy said dam, or shall open the same, shall be liable to the proprietor thereof in an action of trespass to the amount of damages done, in addition to the penalties already provided by law, to be recovered before any court of competent jurisdiction.

Term of privilege.

SECTION 4. The aforesaid person, his associates or assigns, shall enjoy the privileges granted in this act for the term of fifteen years.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1881.

[No. 36, A.] [Published March 8, 1881.]

## CHAPTER 42.

AN ACT to amend section one of chapter two hundred and fifty-one of the general laws of 1879, and amendatory of section one thousand nine hundred and thirty-five of chapter eighty-nine of the revised statutes of 1878, entitled "of insurance corporations."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one of chapter two hundred and fifty-one of the general laws of 1879, is hereby amended by striking out the word "two," where it occurs in the eighteenth line of said section, and insert in lieu thereof the word "three," so that said section when so amended shall read as follows: Section 1. Whenever the amount of any loss so ascertained shall exceed the amount of the cash funds of the corporation, the president shall convene the board of directors, who shall make an assessment upon all property insured by such corporation, in proportion to the amount thereof, and the rate under which it may have been classified, sufficient at least to pay such loss, provided, however, that such board of directors shall be authorized, if it sees fit to do so, to assess up to three and a half mills, even if such loss should not require such an amount; and when such assessment shall have been completed, the secretary shall immediately notify every member of such corporation, by letter sent to his usual postoffice address, of the amount of such loss and the sum due from him as his share thereof, and the time when and to whom payment thereof is to be made, which time shall be not less than sixty nor more than ninety days from the date of such notice; and the treasurer or person designated to receive such money, may demand and receive two per cent. in addition to the amount of each such assessment, for his fees in receiving and paying over the same. Such assessment, when collected, shall be paid to the person entitled thereto, according to the terms of the policy issued to him: *provided*, that if any loss shall occur during the first eight months of any year, the board of directors, at the time of making the assessment therefor, may borrow money sufficient to pay such loss at a rate of interest not exceeding eight per cent., and shall therein include in the interest the assessment, and direct payment of such assessment to be made not later than the thirty-first day of December next following.

Amendment.

President to convene board.

Assessment of three and one-half mills authorized.

Directors may borrow money to pay loss.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1881.

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[No. 61, A.] [Published March 8, 1881.]

## CHAPTER 43.

AN ACT to revive and keep in force for ten years chapter one hundred and twenty-eight of the private and local laws of 1870, entitled an act to authorize Olaf Swing, his heirs and assigns, to keep and maintain a ferry across the St. Croix river.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Re-enacted.

SECTION 1. That chapter one hundred and twenty-eight of the private and local laws of Wisconsin for 1870, is hereby revived, and to remain in force for ten years.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 4, 1881.

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[No. 86, A.] [Published March 8, 1881.]

## CHAPTER 44.

AN ACT to amend chapter one hundred and sixty-five, of the laws of 1879, entitled: "an act to amend chapter one hundred and seventy, of the private and local laws of 1857, entitled: 'an act to incorporate the Yellow River Improvement Company, and chapter one hundred and sixteen, of the private and local laws of 1871, entitled: 'an act to amend chapter one hundred and eighty-six, of the private and local laws of 1868,' entitled: 'an act to amend chapter one hundred and seventy, of the private and local laws of 1857,' entitled: 'an act to incorporate the Yellow River Improvement Company, and the several acts amendatory thereto.'"

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Location of improvements.

SECTION 1. Section one of chapter one hundred and sixty-five, of the laws of 1879, is hereby amended so as to be and read as follows: The said corporation shall have power, and is hereby authorized to make such improvements in the Yellow river and its tributaries (it being a tributary of the Wisconsin river), in the counties of Clark, Wood and Juneau, in this state, as shall tend to facilitate and render more secure the running and driving of lumber, timber, saw logs, shingles, lath and other materials floated in said streams, and for such purpose shall have power to remove all natural

Power of corporation.

and other obstructions in said streams, and to remove from the banks of the same any logs or leaning trees liable to be floated into said streams or undermined by high water; and shall have the right to straighten the channel of said streams in all places within said counties deemed necessary for the purposes hereinbefore mentioned; and shall have the right to close up all sloughs, side cuts and channels in said streams, and to erect and maintain on said streams, all dams, booms, piers, jetties and other improvements deemed necessary by said corporation, for the purposes contained in this act, and also to enter upon, take, hold and use all such lands and real estate and acquire the title thereto, as may be necessary for the use of said corporation for the purposes aforesaid: *provided*, that if said corporation shall at any time take, use or damage any property, or rights of any other person or persons, in taking or using property for the purposes aforesaid, it shall be liable to pay all damages occasioned thereby, to be ascertained and paid as hereinafter mentioned and provided for. That for the taking, using or damaging any property of any other persons, the said corporation shall have the power to purchase the same by private agreement with the owners thereof, or to settle and arrange for the damages sustained, or to be sustained by reason of such use, taking or damaging thereof. And in case the corporation and owners of such real estate cannot mutually agree for the purchase, lease, use or damages, then either party, the corporation or owner of such lands, or party entitled to damages in the premises, may apply to the circuit court for the county, where said lands are situated, for the appointment of three disinterested persons, residents and freeholders of said county, as commissioners to appraise the value of such lands so taken or flowed, and also the damages for the use or injury thereto, as the case may be, who shall be first duly sworn to discharge faithfully the duties of such appointment, and who shall personally view the lands and premises taken, used, damaged or injured, and who shall receive and hear such evidence as may be offered by either party in relation thereto, and shall make and sign their report and award of the damages in the premises, and file the same with the clerk of the court of the county wherein said lands are situated, within ten days after the hearing shall have terminated in each case. That the party applying for the appointment of such commissioners shall give no-

**May take and use real estate.**

**In case of failure to agree.**

tice to the adverse party of at least ten days, of such application, and shall therein give the time and place where the same shall be heard, and the circuit judge of the circuit in which such lands are situated, shall have jurisdiction to hear and determine such application either in term or vacation. That said commissioners when appointed shall give to each of the parties interested, at least ten days' notice of the time and place when and where they will meet to view the premises, and hear and determine the matters of damages or value of the premises, as the case may be. And in case that any of the owners or parties interested in such real estate desired to be used, taken, flooded or damaged, are non-residents of this state, or are infants, insane, or under other legal disability, such notice and proceeding shall be had in relation to them and their interests, as the circuit court or judge shall order and direct. That said commissioners shall each be entitled to three dollars per day for their services, to be paid by the parties or either party as the court shall direct. That when the report of the commissioners shall be returned to the clerk of said circuit court as aforesaid, either party may have the affirmance or rejection thereof, and for entry of judgment thereon, in case the same shall be affirmed, upon giving at least five days' notice to the opposite party of such application. And upon such hearing the said circuit court or judge shall render such judgment in the premises as he shall deem proper. And provided further, that either party may appeal from the determination and report of said commissioners to the circuit court of the county wherein said report is filed, within thirty days after such report may have been filed in the office of the clerk of said court, and such appeal shall be tried and determined the same as other issues arising in said court, and subject to the rights of appeal to the supreme court from said circuit court, the same as ordinary civil actions. And provided also, that upon payment, or tender of payment, of the sum specified in the report of said commissioners, to the owner or owners of such lands or materials, or a deposit of the same for their benefit, with the clerk of the circuit court of the county wherein said report is filed, the corporation may immediately take and use the same without waiting the issue of such appeal.

Commissioners to give parties ten days' notice.

Non-residents, etc.

Compensation.

Appeal.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1881.

[No. 87, A.] [Published March 8, 1881.]

## CHAPTER 45.

AN ACT to amend section eight hundred and forty-six of chapter thirty-nine of the revised statutes of 1878, entitled "of town officers."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section eight hundred and forty-six of chapter thirty-nine of the revised statutes is hereby amended by striking out the words "the chairman," where they occur in the ninth line of said section, and insert in lieu thereof the words "any two of the supervisors;" also by striking out the word "chairman," where it occurs in the twenty-first line of said section, and insert in lieu thereof the word "supervisor;" also by adding below the letters L. M., in the twenty-first line, the letters P. S. and the word "supervisor," so that said section, when so amended, shall read as follows: Amendment.

Section 846. Every justice of the peace, elected for a full term, shall, on or before the first Monday of May next succeeding his election, and every justice elected or appointed to fill a vacancy shall, within ten days thereafter, or after notice thereof, if required to be given, take and subscribe the oath of office prescribed in section eight hundred and nine, before a competent officer, and file the same with the clerk of the circuit court; and shall also, within the same time, execute and file with said clerk a bond, with two or more sufficient sureties, to be approved by any two of the supervisors, substantially in the following form, viz.: A. B., chosen a justice of the peace in the town of ———, and C. D. and E. F., as his sureties, do hereby jointly and severally bind themselves and agree to pay on demand to the said town, and to each and every person who may be entitled thereto, all such sums of money as the said justice may become liable to pay on account of money which may come into his hands by virtue of his office. Oath of office and bond of justice of the peace.

Dated the ——— day of ———, 18—.

A. B.
C. D.
E. F.

Executed in the presence of, and securities approved by L. M., supervisor.
P. S., supervisor.

A copy thereof, certified by the clerk of the circuit

court, shall be presumptive evidence of its execution by such justice and his sureties.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1881.

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[No. 313, A.] [Published March 8 1881.]

## CHAPTER 46.

AN ACT for the protection and preservation of wall-eyed pike and black bass in the several streams, water courses and lakes within the state of Wisconsin.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Unlawful to take wall-eyed pike.

SECTION 1. It shall not be lawful for any person or persons to catch or kill in any way or manner, or by any device, any wall-eyed pike or black bass in any of the streams, water courses or lakes within the boundaries of this state, between the first day of February and the first day of May in each and every year.

Penalty for violation.

SECTION 2. Any person found violating the provisions of this act, upon conviction thereof, shall be fined in a sum of not less than five dollars nor more than twenty dollars, one-half of which shall be paid to the person prosecuting therefor.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1881.

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[No. 434, A.] [Published March 8, 1881.]

## CHAPTER 47.

AN ACT to appropriate a sum of money therein named to pay for chaplain services in the legislature for the year 1881.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation, $25.00 to each clergyman.

SECTION 1. There is hereby appropriated out of any money in the general fund not otherwise appropriated, the sum of twenty-five dollars for each and every clergyman officiating as chaplain for the legislature of 1881, providing this act shall not apply to any except clergymen residing in the city of Madison, and provided said chaplain has performed such services one week.

Duty of chief clerks.

SECTION 2. The chief clerks of the senate and assembly shall certify to the secretary of state the names of the several clergymen who have officiated as chap-

lain during the session of 1881; whereupon the secretary of state shall issue his warrant in equal sums to the several persons who have officiated as chaplain.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1881.

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[No. 29, A.] [Published March 8, 1881.]

## CHAPTER 48.

**AN ACT to amend sections one thousand nine hundred and thirty-one and one thousand nine hundred and thirty-eight, of chapter eighty-nine, of the revised statutes of 1878, entitled town insurance companies.**

*The people of the state of Wisconsin, represented in senate and assembly do enact as follows:*

SECTION 1. Section one thousand nine hundred and thirty-one of chapter eighty-nine, of the revised statutes of 1878, is hereby amended by inserting after the word "halls," where it occurs in the sixteenth line in said section, the words "country hotels and water mills." **Amendment.**

SECTION 2. Section one thousand nine hundred and thirty-eight of chapter eighty-nine of the revised statutes of 1878, is hereby amended by striking out the words "shall be filed in the office of the town clerk, in which such corporation has its office," and and also by striking out the words "the whole amount of losses paid by the corporation since its organization, and the whole amount insured since its organization," where they occur in the seventh, eighth and ninth lines, so that said sections, when so amended, shall read as follows: Section 1931. No such corporation shall insure any property out of the town or towns in which said corporation is located: *provided*, that any such corporation at its annual meeting may, by a majority vote of the members present, authorize its directors to insure any farm property, or detached dwelling house and contents, in any adjoining town or towns or in any incorporated city or village which is located in any adjoining towns in which such town insurance corporation is located: *provided*, such farm property or dwelling or contents shall be detached at least two hundred feet from exposure. No such corporation shall insure any property, other than detached dwellings and their contents, farm buildings and their contents, live stock on the premises or running at large, **Amendment.** **May insure in adjoining towns.**

farm products in the stack or bin, and farming implements. But such corporation, at its annual meeting may, by a majority of all the votes by law entitled to be cast by its members, authorize its directors to insure country stores and their contents, school houses, churches, town and society halls, country hotels and water mills, but such risks shall not exceed fifteen hundred dollars in any one case. Section 1938. The secretary of every such corporation shall annually prepare a statement showing its condition on the day preceding its annual meeting, which shall contain the names of all persons then insured; the amount insured by each policy; the whole number of policies issued; the whole number then in force; the aggregate amount then insured, and the aggregate amount of each class of insured property; the amount of losses paid during the year; the amount of losses sustained and unpaid, if any, and all such other matters, pertaining to the interests of such corporation, as by the by-laws, he may be required to report upon. Such statement shall be read to the members of such corporation at their annual meeting, and entered at length upon its records, and within fifteen days after such annual meeting, a certified copy thereof shall be transmitted to the commissioner of insurance.

Property that may be insured.

Secretary to prepare annual report.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1881.

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[110, S.] [Published March 8, 1881.]

## CHAPTER 49.

AN ACT to amend an act entitled "an act to amend the articles of association of the Chicago, Milwaukee and St. Paul Paul railway company.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amendment.

SECTION 1. Section one of chapter one hundred and fifty-two of the laws of 1880, is hereby amended so as to read as follows: Section 1. That clause of article six of the original articles of association of said company which reads as follows, to-wit: "And except as herein expressly provided, the corporation shall have no power or authority to mortgage or otherwise encumber its property, real or personal, unless the assent in writing of a majority in interest of the owners and holders of all the capital stock issued by said cor-

poration, shall be first had and obtained, authorizing the same, and no assent shall be taken from agents, or by proxy, unless the power of attorney held by the agent or proxy, shall expressly authorize such assent," is hereby amended by adding thereto as follows: "But this clause shall not be construed to prohibit the company from purchasing, leasing, or building any railway or railways, other than the roads above mentioned, and executing a mortgage or mortgages on the railways so purchased, leased or built, in such sum or sums as the directors of said company may determine, and the company is hereby expressly authorized to make and execute such mortgage or mortgages, and any and all mortgages heretofore executed by the company on railways so purchased, leased or built, are hereby ratified, validated and confirmed," so that such clause as amended will read as follows, to-wit: "And except as herein expressly provided, the corporation shall have no power or authority to mortgage or otherwise encumber its property, real or personal, unless the assent in writing of a majority in interest of the owners and holders of all the capital stock issued by said corporation shall be first had and obtained, authorizing the same, and no assent shall be taken from agents or by proxy, unless the power of attorney held by the agent or proxy shall expressly authorize such assent. But this clause shall not be construed to prohibit the company from purchasing, leasing or building any railway or railways, other than the roads above mentioned, and executing a mortgage or mortgages on the railways so purchased, leased or built, in such sum or sums as the directors of said company may determine, and the company is hereby expressly authorized to make and execute such mortgage or mortgages, and any and all mortgages heretofore executed by the company on railways so purchased, leased or built, are hereby ratified, validated and confirmed."

Company may buy, lease, build and mortgage new roads.

Assent of stock holders required.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1881.

[No. 93, S.] [Published March 5, 1881.]

## CHAPTER 50.

AN ACT to authorize the boards of trustees of certain incorporated villages to levy corporation taxes.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Population required.

SECTION 1. The board of trustees of every village incorporated under any special law of this state, which at the time of taking the tenth census of the United States, had by said census a population of twenty-nine hundred inhabitants or over, and the president and trustees of which, by the charter of said village, are now prohibited from levying a tax exceeding the sum of one thousand dollars in any one year, for the purpose of defraying the current expenses of said village, shall, at the time fixed by law in the charter of said village, by resolution to be entered of record, determine the amount of corporation taxes to be levied and assessed on the taxable property in such village for the current year, which shall not exceed in any one year two-tenths of one per centum of the assessed valuation of such property, unless a majority of the electors voting upon the subject at an election held for that purpose in the manner provided in the charter of said village, shall vote in favor of levying a greater sum.

Limit of tax for current expenses.

SECTION 2. All acts and parts of acts which conflict with the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1881.

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[No. 196, A.] [Published March 8, 1881.]

## CHAPTER 51.

AN ACT to authorize the board of supervisors of the town of Beloit to issue bonds to pay its present bonded indebtedness.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amount of bonds

SECTION 1. The board of supervisors of the town of Beloit is hereby authorized and empowered, at any time after the passage of this act, to issue bonds of said town to an amount in all not exceeding thirty thousand dollars, bearing annual interest not exceeding six per cent. per annum, for the purpose of paying the outstanding bonds of said town, which were issued under

and pursuant to the provisions of chapter eleven of the private and local laws of this state, passed in the year 1870, entitled "an act to enable the town of Beloit and the city of Beloit to settle their bonded indebtedness."

Payment of principal and interest.

SECTION 2. Each and every bond issued in pursuance of the provisions of this act shall become due and payable on the tenth day of February of the year to be designated upon such bond, and the interest, at the rate specified upon such bond, shall be payable on the tenth day of February in each year after the same is issued, until the principal sum becomes due and payable.

Place of payment to be designated.

SECTION 3. Each and every bond issued under and by virtue of the provisions of this act, shall be made payable at some place or bank to be therein named, and the same shall become due and payable in the year agreed upon at the time of issue, to be named in such bond: *provided*, that none of said bonds shall be made payable at a later date than February 10, 1900; and not more than three thousand dollars of the principal sum of said bonds shall mature and become payable in any one year.

New bonds may be changed for outstanding bonds.

SECTION 4. Any bond issued under the provisions of this act may be exchanged for any of the outstanding bonds of said town, mentioned in the first section of this act, and any such bond may be sold for cash by the town at not less than its par value, and all money received upon the sale of any such bond or bonds, shall be applied toward the payment of the present outstanding bonded indebtedness or said town of Beloit.

Tax levy.

SECTION 5. There shall annually be levied by the board of supervisors of the town of Beloit, an amount sufficient to pay the principal and interest coming due on the tenth day of February the next, upon all bonds issued pursuant to the provisions of this act; and in case the board of supervisors shall neglect to make such levy on or before the first Monday of November next prior to the time for making the annual tax levy, it shall be the duty of the town clerk of the town of Beloit, without any order or direction of the supervisors, to levy and place in the next tax rolls of said town, with other taxes, an amount sufficient to pay all interest and principal to mature and become due upon any such bond or bonds, on the tenth day of the next succeeding February; and it shall be the duty of the treasurer of said town to collect the amount of said tax as the same appears on the tax rolls in his hands, in the same manner as other taxes are collected by

him, and if the clerk of said town shall neglect or refuse to levy the amount as provided in this section, he shall be personally liable to each and every person or party entitled to such money, or any part thereof; and each and every party or person who is the owner of any bond or of any interest coupon, which should have been paid out of such tax, may recover against such clerk the amount of money due and payable thereon.

Application of tax.

SECTION 6. All moneys collected from taxes levied pursuant to the provisions of this act, shall be used for the purpose of paying the interest and principal upon the bonds hereby authorized to be issued; and all such money shall be held and regarded as a separate fund for that purpose, and the same shall not be liable for the payment of any other debt or demand against said town; and the same shall not, nor shall any part thereof be paid out, expended for any other purpose, except as is provided in the seventh and eighth sections of this act.

When funds may be transferred.

SECTION 7. If at any time hereafter any interest or principal upon said bonds is about to fall due, and there is not sufficient money in the treasury of said town belonging to the separate fund mentioned in the last preceding section, to pay such principal and interest, it shall be the duty of the supervisors to cause to be transferred from the general fund of the town in the hands of the treasurer, an amount sufficient to supply the deficiency; and thereafter any money so borrowed or transferred from the general fund of the town, may be repaid from any surplus money in the treasury belonging to such separate fund; but no such repayment shall be made between the thirty-first day of October and the tenth day of the next succeeding February.

General fund may be borrowed.

SECTION 8. In case there shall not be on the first day of February, in any year hereafter, money in the treasury of said town belonging to the fund mentioned in the sixth section of this act, sufficient to pay in full the interest and principal to mature and become due upon any such bonds and interest coupons, on the tenth day of said month of February, the treasurer shall transfer to such fund from the moneys in his hands, belonging to the general funds of said town, an amount sufficient to supply the deficiency, and the money thus transferred, with the other moneys in his hands belonging to said fund, shall be used and applied to the payment of the interest and principal of said bonds to become due on the tenth day of said month; and any money so transferred or borrowed from the general

fund, may be repaid, without interest, out of any money in the treasury belonging to the fund provided for in the sixth section of this act, at any time before the thirty-first day of October, next succeeding such transfer: *provided*, that there shall remain in the treasury at all times, money belonging to said fund sufficient to pay all interest coupons, which are past due, if any such there be, and which are properly payable out of said fund.

No compensation for transfer.

SECTION 9. No compensation shall be allowed the treasurer of said town for making a transfer of any moneys from the general fund as hereinbefore provided, nor for paying out the same after such transfer.

Interest coupons.

SECTION 10. Interest coupons upon any bond or bonds issued pursuant to the provisions of this act, which become due on the tenth day of February, next succeeding the levy of the annual taxes in said town, shall be received by the town treasurer in payment of taxes at any time after the delivery of the tax warrant to the treasurer and before the first day of the next February.

Denomination of bonds.

SECTION 11. Bonds issued pursuant to the provisions of this act, may be of such denomination as shall be agreed upon at the time of their issue; they shall be made payable to a party to be named therein, or bearer, and shall be negotiable and pass by delivery, and shall be signed by the chairman and countersigned by the town clerk and sealed with the seal of said town.

Clerk to keep record.

SECTION 12. It shall be the duty of the clerk of said town to keep a record in a book to be provided for that purpose, of all bonds issued under the provisions of this act, in which he shall enter the date and number and the amount of the principal sum of every such bond executed by the chairman and clerk in behalf of such town, the place of payment, the name of the payee, the time of the delivery of each bond, the time when the principal sum becomes due and the name of the person to whom the bonds were delivered; and whenever any payment of interest, or of principal, shall thereafter be made by said town upon any such bonds, the amount and time of such payment shall be entered by the town clerk in the proper place upon such record.

Interest coupons to be received for taxes.

SECTION 13. If any interest coupon is received by the town treasurer for taxes, in the manner provided in section ten of this act, the same shall be deemed paid at the time it is so received by said treasurer, and he

shall enter upon every such coupon the date at which he received the same; and at the settlement of his account, he shall be credited with the amount payable upon all interest coupons so received by him.

Outstanding bonds.

SECTION 14. In case any bonds of said town, issued under and by virtue of the provisions of said chapter eleven of private and local laws of the year 1870, shall remain outstanding, it shall be the duty of the supervisors of said town, to pay the interest thereon, as the same becomes due, and to pay the principal sum of said outstanding bonds, on or before the tenth day of February, 1889; and there shall be levied and collected in said town, before the said tenth day of February, 1889, taxes sufficient to pay and satisfy in full the principal and interest upon all such outstanding bonds; and said moneys shall be paid in the manner provided in said chapter eleven.

Indebtedness not to be increased.

SECTION 15. Nothing in this act contained shall be construed to authorize the supervisors of said town of Beloit, to increase the amount of the said indebtedness of said town, excepting as the same may increase by interest to accrue upon bonds issued pursuant to the provisions of this act.

SECTION 16. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1881.

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[No. 213, S.] [Published March 12, 1881.]

## CHAPTER 52.

AN ACT to amend section two thousand nine hundred and eighteen of the revised statutes, relating to costs and fees.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Costs allowed to plaintiff.

SECTION 1. Subdivision six, of section two thousand nine hundred and eighteen of the revised statutes, is hereby amended by adding at the end of said subdivision the following: "And in an action on contract, when the plaintiff shall recover one hundred dollars or more;" so that said subdivision when so amended shall read as follows, to-wit: 6. In an action on contract wherein real estate shall have been attached at the commencement thereof, without regard to the amount recovered, and in an action on contract when the plaintiff shall recover one hundred dollars or more.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1881.

[No. 182, S.] [Published March 12, 1881.]

## CHAPTER 53.

**AN ACT relating to the compensation of sheriffs in certain cases.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The county board of supervisors of any county in this state may by a resolution to be entered on its records, change the method now prescribed by law for compensating the sheriff for all services to be performed within such county, for which the said county shall be liable to pay. **Change of method.**

SECTION 2. When a resolution to that effect shall have been duly passed by the county board of supervisors of any county, it shall be the duty of such county board at its next annual meeting in November, to fix a salary for the sheriff in the same manner as salaries are fixed for other county officers under the provisions of section six hundred and ninety-four of the revised statutes. **County board may fix salary.**

SECTION 3. Such salary, when so fixed, shall be in lieu of all fees and compensation for the sheriff, under sheriff, and deputy sheriff, for all service rendered by such officers within the limits of such county, for which service the county is now liable, except compensation for keeping and maintaining prisoners in the common jail. **Under sheriff and deputy sheriff.**

SECTION 4. This act shall not affect the fees of sheriffs in civil cases, except where the county is liable therefor, nor shall it have any effect upon the fees or compensation of any person now acting as sheriff of any county, during his present term of office. **Fees in civil cases excepted.**

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1881.

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[No. 107, S.] [Published March 12, 1881.]

## CHAPTER 54.

**AN ACT to provide compensation for completing the transcribing of the senate and assembly journals.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated to Charles E. Bross, chief clerk of the senate, out of any money **Appropriation, $525.**

in the state treasury not otherwise appropriated, the sum of two hundred and fifty dollars for completing the transcribing of the senate journal of the present session.

SECTION 2. There is hereby appropriated to John E. Eldred, chief clerk of the assembly, out of any money in the state treasury not otherwise appropriated, the sum of two hundred and seventy-five dollars for completing the transcribing of the assembly journal of the present session.

SECTION 3. The money hereby appropriated shall be paid by the state treasurer on the warrants of the secretary of state, which warrants shall be issued when the duties and labor herein provided for shall have been respectively performed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1881.

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[No. 51, S.] [Published March 12, 1881.]

## CHAPTER 55.

**AN ACT to legalize the acts of the Spolecna Smlouva Kossuthske town fire insurance company, comprising the towns of Gibson, Cooperstown, Franklin and Kossuth in county of Manitowoc, and state of Wisconsin.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Legalized.

SECTION 1. All transactions of the said Spolecna Smlouva Kossuthske town fire insurance company, comprising the towns of Gibson, Cooperstown, Franklin and Kossuth, in county of Manitowoc, and state of of Wisconsin, being a town insurance company organized under the laws of the state of Wisconsin, and located in the town of Kossuth, county of Manitowoc, state of Wisconsin, and all acts of the officers and agents, are hereby legalized and declared valid and all policies or other evidence of insurance issued by said company or its authorized officers, and all bonds, notes, mortgages or other evidence of indebtedness, executed and delivered to said company, shall be valid and binding as if all the requirements and forms of the laws of the state had been fully complied with; and no misnomer of said company shall affect the validity of any of the transactions of said company, or of documents issued or executed by such company.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved March 8, 1881.

[No. 33, S.] [Published March 12, 1881.]

## CHAPTER 56.

**AN ACT to amend subdivision eight of section two thousand nine hundred and eighty-two of the revised statutes, relating to exemptions.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Subdivision eight of section two thousand nine hundred and eighty-two of the revised statutes is hereby amended so as to read as follows: Subdivision 8. The tools, implements and stock in trade, of any mechanic, miner, merchant, trader or other person, used or kept for the purpose of carrying on his trade or business, not exceeding two hundred dollars in value. **Description and value of property exempt.**

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1881.

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[No. 145, A.] [Published March 14, 1881.]

## CHAPTER 57.

**AN ACT to authorize Frederick R. Newbold and Robert R. Livingstone to build and maintain dams and flooding works across the south branch of the Embarrass river, in towns twenty-six (26), range eleven (11), and twenty-six (26), range twelve (12), in Shawano county.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Frederick R. Newbold and Robert R. Livingstone, their heirs and assigns, are hereby authorized to erect and maintain as many dams as they shall deem necessary (not exceeding six in number), across the south branch of the Embarrass river at any point or points in town twenty-six (26), range eleven (11), or town twenty six (26), range twelve (12), in the county of Shawano, and such wings, canals or other works as shall be necessary in connection therewith, to make said stream navigable for logs and timber. **Location of dam.**

SECTION 2. The aforesaid persons, their heirs and assigns, shall build suitable slides in said dam for running logs, timber and lumber over the same, and shall keep the same in repair. The same shall be kept open at all times when the river is in a driving stage and there are logs, timber or lumber to run over said dam; and when it is not necessary to hold the water back for the **Slides to be built and kept open at certain times.**

purpose of driving or flooding logs, timber or lumber below the dam, for which purpose flood gates shall be kept in repair and built in such a manner as to be shut or opened, as the case may require, to flood the said logs, timber or lumber.

Life of privilege.

SECTION 3. The aforesaid persons, their heirs and assigns, shall enjoy the privileges granted in this act, for the term of fifteen years.

Toll.

SECTION 4. When the aforesaid persons, their heirs and assigns, shall have completed the said dam, as aforesaid, they are hereby authorized and empowered to receive and collect from the owners of logs, timber and lumber passing over such slides, or driven by the aid of said dams, as a compensation for keeping up and maintaining such dams, the sum of ten cents per thousand feet, board measure. And the aforesaid Frederick R. Newbold and Robert R. Livingstone, their heirs or assigns, shall have a lien upon all logs, timber or lumber passing over said dams or driven by aid thereof, until the charges aforesaid shall be fully paid, which lien may be enforced in the same manner as the lien of laborers on logs.

Control of dam.

SECTION 5. The control of said dam, the slides and gates of the same and all works appertaining thereto, shall belong to the aforesaid persons, their heirs and assigns.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1881.

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[No. 157, A.] [Published March 15, 1881.]

## CHAPTER 58.

AN ACT to authorize Wyota Strausky to maintain a dam across Kewaunee river in Kewaunee county, Wisconsin.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Location of dam.

SECTION 1. Wyota Strausky is hereby authorized to maintain and keep up a dam across Kewaunee river at a point on the southwest quarter, section fourteen (14), township twenty-three (23), range twenty-four (24), in Kewaunee county, Wisconsin.

Slides and flood gates.

SECTION 2. The aforesaid person and assigns shall build suitable slides in said dam for running logs, timber and lumber over the same, and shall keep the same in repair. The same shall be kept open at all times when the river is at a driving stage and there are logs

and timber or lumber to run over said dam, and when it is not necessary to hold the water back for the purpose of driving or flooding logs, timber or lumber below the said dam, for which purpose flood gates shall be kept in repair, and built in such manner as to be shut or opened as the case may require to flood the said logs, timber or lumber. And the said Wyota Strausky, his assigns, shall erect and maintain booms, at least eighty rods in length, on each side of the river, and at least sixteen feet in width in the center of the channel, above the dam, and the channel to be kept clear from everything which might prevent free driving of logs, timber or lumber. **Size of booms.**

SECTION 3. The aforesaid person, his associates and assigns, shall enjoy the privileges granted in this act, for the period of fifteen years. **Life of grant.**

SECTION 4. When the aforesaid person, his associates and assigns, shall have completed the said dam boom as aforesaid, they are hereby authorized and empowered to receive and collect from the owners of all logs, timber and lumber passing over such slides or driven by the aid of said dam, as a compensation for keeping up and maintaining such dam boom, the sum of ten cents per thousand feet, board measure, the amount to be ascertained by scale upon the landing in the woods, if there be one, if not, in any other practicable way; and the aforesaid persons, their associates and assigns, shall have a lien on all logs, timber and lumber run over said dam or driven by the aid thereof, until the charges aforesaid shall be fully paid, which lien may be enforced in the same manner as the lien of laborers on logs, except as to the time for filing the petition for said lien, which may under the provisions of this act, be filed at any time within six months after the last of the logs of any mark shall have passed over the slides of said dam or be driven by aid thereof: *provided*, that said Strausky shall at all times comply with the provisions of section two of this act. **Toll.**

SECTION 5. The control of said dam boom, the slides and gates of the same, shall belong to the said Strausky, his associates and assigns, and be under his exclusive control, subject always to the provisions of section two of this act. **Control of improvements.**

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1881.

[No. 160, A.] [Published March 14, 1881.]

## CHAPTER 59.

AN ACT to authorize the electors of the town of Beloit, in Rock county, to hold elections in the city of Beloit.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Question to be submitted to a vote of electors.

SECTION 1. At any annual meeting of the town of Beloit, in Rock county, the electors of said town may by vote, by ballot or otherwise, determine to hold the elections, general, annual, special and judicial, of said town, at any place within the city of Beloit, so determined upon, except at the place where the elections in and for said city are held; and thereafter all elections shall be held at the place so designated, until the place for holding the same shall be changed in the manner provided in this section for changing the place of holding said elections, and any election so held shall be as valid as if held within the limits of said town.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1881.

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[No. 171, A.] [Published March 14, 1881.]

## CHAPTER 60.

AN ACT relating to the settlement of estates of deceased persons.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Surviving partner to render inventory.

SECTION 1. The surviving partner or partners of any deceased person, whose estate is being administered in the county court, shall, whenever required by order of the county judge of the county in which such administration is pending, render to said court a true and complete inventory of the partnership property and estate of the firm and its outstanding liabilities.

Penalty for refusal.

SECTION 2. Any person who shall refuse or neglect to comply with any order made in accordance with section one of this act, for twenty days after the service of a copy of said order, by filing such inventory, verified by his oath, to be a true and perfect account of the affairs of the firm of which the deceased was a member, shall be deemed to have committed a contempt of court, and may, by order, be brought before said court or the judge thereof, and punished as

for contempt, in the manner provided by law, and may be imprisoned until he shall comply with such order.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1881.

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[No. 205, A.] [Published March 14, 1881.]

## CHAPTER 61.

AN ACT to authorize A. J. Van Epps, and others, to build and maintain piers, docks and bath houses in Hick's lake, Waupaca county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. A. J. Van Epps, John Jardine, W. J. Chamberlain, Charles Churchill, S. T. Ritchie and William A. West, their executors, heirs or assigns, are hereby authorized and empowered to build and maintain docks, piers and bath houses, extending into Hick's lake, Waupaca county, from lot eight (8), section thirty-four (34), town twenty-two (22) north, range eleven (11) east, on lands owned by them, to the distance of three hundred feet or more to the deep water, for the purpose of a steamboat and sail vessel landing, and for bathing purposes, at Greenwood park, on said lake. Location of improvements.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1881.

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[No. 211, A.] [Published March 14, 1881.]

## CHAPTER 62.

AN ACT to amend section one of an act entitled an act to amend section one of chapter one hundred and ninety-two of the private and local laws of 1868, entitled an act to amend section one of chapter three hundred and forty of the private and local laws of 1867, entitled an act to incorporate the Taylor orphan asylum, approved March 7, 1876.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one of chapter one hundred and fifty-six of the laws of 1876, entitled "an act to amend section one of chapter one hundred and ninety-two of the private and local laws of 1868, entitled 'an an act to amend section one of chapter three hundred and forty of the private and local laws of 1867', enti- Amendment.

tled 'an act to incorporate the Taylor orphan asylum,'" is hereby amended by striking out, where they occur in said section, the words "all meetings of the directors of said asylum shall be held at the asylum, and the the time of holding such meetings, and the manner of calling the same, and notifying the members of said board, shall be fixed and regulated by the by-laws of said board," and by inserting in lieu thereof the following: All annual meetings of the directors of said asylum for the election of directors, as in this act provided, shall be held at the asylum, but the monthly and special meetings of said directors may be held at said asylum, or at such place or places in the city of Racine as the board of directors may designate, and the time of holding meetings, and the manner of calling the same, and notifying the members of said board, shall be fixed and regulated by the by-laws of said board.

Annual meetings.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1881.

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[No. 236, A.] [Published March 14, 1881.]

## CHAPTER 63.

AN ACT fixing the terms of court in the fourth judicial circuit.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The general terms of the circuit court for the fourth judicial circuit, shall be held as follows: In the county of Sheboygan, on the third Monday in April and the fourth Monday in September. In the county of Manitowoc, on Tuesday after the second Monday in January, and Tuesday after the first Monday in June. In the county of Kewaunee, on the first Monday in May and the third Monday in October. In the county of Fond du Lac, on Tuesday after the first Monday in March, and Tuesday after the second Monday in November.

Sheboygan.

Manitowoc.

Kewaunee.

Fond du Lac.

SECTION 2. Every general term in the counties of Fond du Lac, Sheboygan and Manitowoc, shall be a special term for the whole judicial circuit, at which any and all business may be done arising or pending in any county of said circuit, which might be done at a general term for the county in which such business arises, or is pending, except the trial of issues of fact by a jury.

Special terms.

SECTION 3. In the county of Fond du Lac special terms for the whole circuit shall be held on Tuesday after the third Monday in February, and Tuesday after the first Monday in July, at which special terms any and all business may be done arising or pending in any county of said circuit, which might be done at a general term for the county in which such business arises or is pending, not requiring the intervention of a jury. Special terms.

SECTION 4. For the year 1881, only, the March general term in the county of Fond du Lac, shall be held on the first Monday in March. General term in Fond du Lac.

SECTION 5. All acts or parts of acts inconsistent with this act are hereby repealed.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1881.

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[No. 239, S.] [Published March 15, 1881.]

## CHAPTER 64.

AN ACT to authorize A. D. Andrews, B. W. Andrews and John W. Perley and their associates and assigns, to maintain a canal in Barron county, and to improve the navigability, for log driving and other purposes, of Bear lake and Horse Shoe lake, in the counties of Polk and Barron.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. A. D. Andrews, B. W. Andrews and John W. Perley, their associates and assigns, are hereby authorized and empowered, for the purpose of rendering Bear lake and Horse Shoe lake, in the counties of Polk and Barron, navigable for log driving and other purposes, to maintain and enlarge, over land owned by said parties, a canal from said Horse Shoe lake to said Bear lake, on section seven (7), town thirty-four (34), range fourteen (14), in said county, and the parties are hereby authorized and empowered to restore the water in said lakes to the natural level thereof, as it existed previously to its being lowered by artificial means, and to maintain the same at such level, or at any level between natural high and present low water mark, and for that purpose they are hereby authorized and empowered to make and maintain such dam or dams, and to close and keep closed any and all ditches which shall have been constructed from either of said lakes, and all sloughs therefrom through or by means of Location of canal. Dams.

which the waters of said lakes have been or may be lowered and diminished; and, generally, to do all things which may be reasonably necessary or proper, to enable them to improve said navigation and to restore the water in said lakes to said level, and to maintain the same thereat. *Provided*, that this act shall not authorize said parties to obstruct any well defined natural water course: *and provided further*, that said parties shall sluice through said canal, at any and all times when practicable, upon the request of the owners thereof, any logs in said Horse Shoe lake, for which services they shall be entitled to charge and collect a reasonable sum per thousand feet, board measure, of logs so sluiced, not exceeding, however, twenty-five cents per thousand feet.

Tolls for sluicing logs.

Penalty for injuring property.

SECTION 2. Any person, other than the parties herein mentioned, who shall willfully destroy or injure any dams or other works constructed or maintained by said parties under the provisions hereof, or shall construct any ditch, or open the same after it shall have been closed as herein provided, or shall do anything which shall diminish the quantity of water in said lakes or in either thereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall be fined for each offense not less than fifty nor more than two hundred dollars, and may be confined in the common jail of the county wherein the offense was committed, until said fine be paid. And any and all such acts may be prevented by injunction at the suit of the parties herein named, upon their giving the usual security to be approved by the judge or other officer issuing such injunction.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1881.

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[No. 197, A.] [Published March 12, 1881.]

## CHAPTER 65.

AN ACT to amend the city charter of the city of Milwaukee, being chapter one hundred and eighty-four of the session laws of the year 1874.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amendment.

SECTION 1. Section seventeen, of chapter twelve, of the city charter of the city of Milwaukee, approved March 10, 1874, said chapter being entitled "public

schools," is hereby amended by striking out the following words at the end of said section, to-wit: and the ordinary and necessary repairs of school furniture; and inserting in place thereof the following words: and the minor and urgent repairs of school furniture, and of school buildings, and their appurtenances; so that the last sentence of said section, shall read as follows: The said tax and the entire school fund of the city shall not be used or appropriated, directly or indirectly, for any other purpose than the payment of the salaries of the superintendent of schools, the secretary of the board, and the teachers, and of the necessary and current expenses of the schools, including the purchase of school supplies, apparatus, and fuel, and the minor and urgent repairs of school furniture, and of school buildings, and their appurtenances.

Application of tax and school fund.

SECTION 2. Section seven, of chapter five, of the city charter of the city of Milwaukee, approved March 10, 1874, said chapter being entitled "board of public works," is hereby amended so as to read as follows: General repairs and permanent alterations and improvements of the school buildings of said city and of the premises attached thereto, shall be made by the board of public works, in the same manner as the said board is authorized to do other similar work; and whenever any such repairs, alterations or improvements are deemed necessary by the school board, it shall be its duty to report the same to the common council of the said city for its order and direction in the premises.

Duty of board of public works.

SECTION 3. The common council of the city of Milwaukee, is hereby authorized to transfer to the fund for the support of the public schools in said city during the year 1881, such portion of the funds provided by said city for repairs of school buildings, as shall be deemed necessary to enable the school board to make the minor and urgent repairs of school buildings, and their appurtenances, until the first day of January, A. D. 1882.

Transfer of funds.

SECTION 4. The secretary of the school board shall, before entering upon the duties of his office, execute a bond to the city of Milwaukee, in such form and penalty, and with such conditions, as the board shall prescribe, with sureties to be approved by said board, which bond shall be filed with and kept in the office of the city clerk of said city; and the school board may require security to be given for the faithful performance of his duties by any officer, or employe of said board, in such form and amount as to the board shall

Bond of secretary of school board.

seem best, and may at any time require of any officer or employe, additional bonds and sureties, in its discretion.

Purchase of sites and erection of buildings.

SECTION 5. The common council of the city of Milwaukee, is hereby authorized and empowered to levy and collect general or special taxes on the taxable property of said city, for the purchase of sites or the erection of buildings for the purpose of establishing, maintaining, or of aiding in the establishment or maintenance, of any public school or educational institution in addition to the schools now established in said city, and for such purposes it may receive, by donation or purchase, suitable and sufficient sites, and construct suitable and sufficient buildings, and possess or donate the same, in such manner, to such parties and to such extent, as said council may deem proper and necessary to the interests of public education in said city, and to use therefor any moneys in the treasury of said city, not otherwise appropriated, and all acts of said council hitherto performed, with reference to the purposes expressed in this section, are hereby legalized and approved.

Taking effect of this act.

SECTION 6. Sections one, two and three of this act, shall take effect on the first day of January, 1882, provided, that if the common council shall before that date, in accordance with the provisions of section four, transfer to the fund at the disposal of the school board, a sum to be used by said board for minor and urgent repairs, said sections one, two and three shall take effect and be in force from the date of such transfer. Sections four, five and six of this act, shall take effect and be in force from and after its passage and publication.

Approved March 11, 1881.

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[No. 97, A.] [Published March 15, 1881.]

## CHAPTER 66.

AN ACT to amend sections three thousand seven hundred and fifty-six, three thousand seven hundred and sixty and three thousand seven hundred and sixty-one, of chapter one hundred and sixty, of the revised statutes, entitled, "of appeals from judgment in justices' courts."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Execution, how stayed on appeal.

SECTION 1. Section three thousand seven hundred and fifty-six of the revised statutes, is hereby amended so as to read as follows: Section 3756. If the appel-

lant desires a stay of execution of the judgment, except in actions of replevin, a written undertaking must be executed on the part of the appellant, by one or more sufficient sureties, to be approved by the judge of the appellate court or by the justice, to the effect that if the appeal shall be dismissed, or if judgment be rendered against the appellant, and execution on the judgment be returned unsatisfied in whole or in part, the sureties will pay the amount unsatisfied.

Undertaking by appellant if successful party does not give undertaking.

SECTION 2. Section three thousand seven hundred and sixty of the revised statutes, is hereby amended so as to read as follows: Section 3760. If the party making such affidavit shall perfect his appeal within the time required by law, and the successful party shall not have given the undertaking required by the preceding section, within the time therein prescribed, the appellant may, within five days after the expiration of the time for taking the appeal, cause an undertaking to be executed upon his part with one or more sufficient sureties, and filed with the justice to the effect that if the judgment appealed from be affirmed in the appellate court, as to any part of said property ordered to be delivered to the opposite party, or if the appeal shall be dismissed, he will return such property, or as much thereof as shall be adjudged to be returned, and pay all costs and damages awarded against him in the action, and abide any other order or judgment of the appellate court, and upon the filing of such undertaking, the justice shall enter an order in his docket requiring the officer who has the custody of such property to deliver the same to the appellant, who, upon being served with a copy of such order, shall deliver the same accordingly. The filing of such undertaking with the justice shall stay the issue of execution on the judgment for costs and damages; or if it has been issued, then service of a copy of such undertaking, certified by the court below, upon the officer holding the execution, shall stay further proceedings thereon.

Property, when to remain in custody of officer; undertaking for stay of execution for damages.

SECTION 3. Section three thousand seven hundred and sixty-one of the revised statutes, is hereby amended so as to read as follows: Section 3761. If the appellant shall have filed his affidavit as required by section three thousand seven hundred and fifty-nine, of these statutes, and have perfected his appeal within the time prescribed by law, and neither party shall have made and filed an undertaking as above required within the time prescribed, then such property shall remain in the custody of the officer who seized the same, pending the

appeal, subject at all times to the order of the appellate court. In all cases where the appellant shall not have made and filed the undertaking prescribed in the preceding section, the appellant may stay the execution as to damages and costs, by giving the undertaking required in section three thousand seven hundred and fifty-six, at any time within five days after the expiration of the time for taking the appeal.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1881.

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[No. 126, A.] [Published March 14, 1881.]

## CHAPTER 67.

AN ACT to authorize A. C. Cushman, his associates and assigns, to construct and maintain a dam across the Kickapoo river, on lands owned by him.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Location of dam.

SECTION 1. A. C. Cushman, his associates and assigns, are hereby authorized to construct and maintain a dam across the Kickapoo river, on lands owned by him, upon the northeast quarter of the southeast quarter of section twenty-four (24), township twelve (12), range three (3) west, in the county of Vernon. Said dam to be constructed for hydraulic and manufacture purposes, and for the purpose of facilitating the driving of logs and timber down said stream: *provided*, that said dam shall not interfere with the rights of any person heretofore acquired. The aforesaid person, his successors and assigns, shall build a suitable slide or chute in said dam, of the width of twenty feet, for running logs, timber or lumber over the same, and shall keep the same in repair. Said dam shall not be over five feet in height, in low water.

Chutes.

Penalty for malicious destruction.

SECTION 2. Any person or persons, who shall willfully break or destroy said dam, or shall open the same, shall be liable to the proprietors thereof, in an action, to the amount of damages done, in addition to the penalties already provided by law, to be recovered before any court of competent jurisdiction.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 11, 1881.

[No. 228, A.] [Published March 14, 1881.]

## CHAPTER 68.

AN ACT to appropriate to the Adams county agricultural society and mechanics' institute a sum of money therein named.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated to the Adams county agricultural society and mechanics' institute, the sum of one hundred dollars. Appropriation, $100.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1881.

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[No. 334, A.] [Published March 14, 1881.]

## CHAPTER 69.

AN ACT to appropriate to the Wisconsin wool grower 'association a sum of money therein named.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of one hundred dollars to the wool growers' association, for the purpose of printing and publishing the reports of said association. Appropriation, $100.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1881.

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[No. 242, A.] [Published March 14, 1881.]

## CHAPTER 70.

AN ACT to authorize Judd M. Cobb, his associates and assigns, to construct and maintain a bridge across Rock river, in the city of Beloit.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Judd M. Cobb, his associates and assigns, are hereby authorized to construct and maintain, for the use of himself, his associates and assigns, a bridge across Rock river, on any land they may own or have the right to use for such purpose, in the city of Beloit, in this state. Authority for bridge.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1881.

[No. 136, A.] [Published March 16, 1881.]

## CHAPTER 71.

AN ACT to amend chapter three hundred and twenty-three, of the laws of 1880, entitled, an act to revise, consolidate and amend the city charter of the city of Wausau.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Chapter three hundred and twenty-three, of the general laws of Wisconsin for the year 1880, is hereby amended by adding to the provisions of said chapter the words and figures following:

### TITLE XIV.

OPENING STEETS ALLEYS, GROUNDS AND SO FOURTH, OR DISCONTINUING THE SAME.

Laying out public grounds, streets and alleys.

SECTION 176. The common council of the city of Wausau shall have power to lay out public squares, grounds, streets and alleys, and to alter and widen the same, as follows: Whenever ten or more freeholders, residing in any ward, shall, by petition, represent to the common council that it is necessary to take certain lands within the ward where such petitioners may reside, for the public use, for the purpose of laying out public squares, grounds, streets or alleys, or the enlarging of the same, the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the same shall be known to such petitioners, to be set forth in said petition, the common council shall thereupon cause notice of such application to be given to the occupant or occupants of such land, if any there be, or if any portion of said lands shall not be in actual occupation of any person, then the common council shall cause such notice, describing as near as may be, the premises to be taken, to be published in the official paper or papers four weeks successively, at least once in each week, and proof of such service or publication, by affidavits, shall forthwith be filed with the city clerk.

Application for appointment of jurors to view premises.

SECTION 177. Such notice shall state that upon a day therein to be named, not less than ten days from the service of such notice, or the expiration of such publication, as the case may be, application will be made to the county judge or court commissioner for the county of Marathon, for appointment of twelve jurors to view said premises, and to determine whether

it will be necessary to take the same for the purposes specified in said petition.

SECTION 178. Upon the presentation of such application, and upon proof of the publication or service of the notice hereinbefore required, the said judge or court commissioner shall thereupon appoint twelve reputable freeholders, residents of said city, but not residents of the ward in which said premises may be, nor interested in the result of such application. The said judge or court commissioner shall thereupon issue his precept, directed to said jurors, requiring them within ten days to view the premises to be specified in said precept, and to make returns under their hands to the common council, whether in their judgment it is necessary to take such premises for the purposes specified in such application, and the said jurors, before entering upon the discharge of their duties, shall take and subscribe an oath faithfully and impartially to discharge their duties as such jurors in the premises, which oath may be administered by any person authorized to administer oaths, which shall be filed in the office of the city clerk. Appointment of jurors.

SECTION 179. The city marshal shall serve his precept immediately, on the jurors therein named, by reading the same to every one that can be found; and immediately after such service he shall return the said precept to the judge or court commissioner who issued the same, together with his doings thereon. Duty of city Marshal.

SECTION 180. If any of the jurors so appointed cannot be found, or shall be disqualified from acting, or shall refuse to act, the judge or court commissioner shall appoint others in their places, and a memorandum of such substitution shall be indorsed on the precept. Disqualification of juror, or failure to qualify.

SECTION 181. The said judge or court commissioner, or any justice of the peace, shall thereupon administer an oath to said jurors, that they are freeholders of said city, and not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trust reposed in them. Oath of juror.

SECTION 182. The said jurors, at such time as they shall agree upon, shall proceed in a body to view the premises in question, and shall hear such testimony as shall be offered by any party interested, which testimony shall be reduced to writing by one of the jurors and either of the jurors shall be authorized to administer the necessary oaths to the witnesses. After viewing the premises in question, and hearing such te Viewing of premises.

mony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them respectively, and which shall state whether in their judgment it is necessary to take the premises in question for public use, which said report, testimony and precept, shall be returned to the common council within the time limited in said precept. Should the jurors report that it is necessary to take the premises, the common council shall enter an order among its proceedings confirming said report, and direct the same jurors, within twenty days thereafter, or such future time as shall be necessary, to again view said premises for the purpose of ascertaining and determining the amount of damages to be paid to the owner or owners of said property proposed to be taken, and to assess and return, within the time limited, such damages to the common council. And after the jurors shall have made their report as to the taking of any lands or premises, under this act, and the same shall have been confirmed, the common council shall have power to appoint new jurors in the place of any who shall neglect or refuse to serve in ascertaining the amount of compensation as above; and all the jurors, before entering upon the discharge of the duties in the premises, shall severally take an oath before some competent officer that they are freeholders in said city, and are not interested in the premises to be taken, and that they will faithfully and impartially discharge the trusts reposed in them.

Valuation of buildings.

SECTION 183. If there should be any building, in whole or in part, upon the land to be taken, the jurors, before proceeding to make their assessment, shall first estimate and determine the value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him; and, secondly, the value of such building to him to remove.

Notice of determination.

SECTION 184. At least ten days' personal notice of such determination shall be given to the owner or his agent, if known and a resident of the city, or left at his usual place of abode. If not known, or a non-resident, notice to all parties interested shall be given by publication in the official paper or papers of said city, three successive weeks. Such notice shall specify the building and the award of the jurors. It shall require the parties interested to appear by a day therein named, or give notice of their election to the common council either to accept the award of the jurors, and

allow such building to be taken with the land appropriated, or their intention to remove such building. He shall have such time for this purpose as the common council may allow.

Owner's refusal to accept determination.

SECTION 185. If the owner shall refuse to take the building at the value to remove, or fail to give notice of his election as aforesaid within the time prescribed, the common council shall have power to direct the sale of such building at public auction, for cash, giving ten days' notice of such sale. The proceeds shall be paid to the owner, or deposited to his use.

Appraisement of value of real estate.

SECTION 186. The said jurors, within the time limited, shall view and examine the premises proposed to be taken, and all such premises as will, in their judgment, be injured or benefited thereby. After hearing such testimony as may be offered by any party interested, and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessment, and to determine and appraise to the owner or owners the actual value in money of the real estate so proposed to be taken, and the injury arising to them respectively in consequence thereof, which shall be awarded to such owners respectively as damages. In the estimates of the damages to the land, the jurors shall include the value of the building or buildings (if the property of the owner of such land), as estimated by them as aforesaid, less the proceeds of the sale thereof, or if taken by the owner at the value to remove, in such case, they shall only include the difference between such value and the whole estimated value of such building or buildings.

When less than an estate in fee.

SECTION 187. If the lands or buildings belong to different persons, or if the land be subject to lease, judgment or mortgage, or if there be any estate in it less than an estate in fee, the injury done to such persons or interests respectively, shall be awarded to them by the jurors.

Findings of jurors to be returned to common council.

SECTION 188. The award of said jurors shall be signed by them, and returned, together with the testimony taken, and the precept to the common council, within the time limited in such precept.

Appeal to circuit court.

SECTION 189. Any person whose property is taken, or against whom any assessment is made, may within ten days from the return of the jurors to the common council, appeal from said assessment of damages, to the circuit court of Marathon county, by causing a written notice of such appeal to be served on the clerk of said

city, and executing a bond in the manner prescribed in section forty-seven of chapter three hundred and twenty-three of the laws of 1880, and such appeal shall be tried by the court and jury, as in ordinary cases. The common council shall also have the right to appeal, by filing with the clerk a notice thereof, within ten days, as aforesaid.

Land not to be taken till damages are paid.

SECTION 190. The land required to be taken for the purposes mentioned in this act shall not be appropriated until the damages awarded therefor to the owner thereof, shall be paid or tendered to the owner or his agent, or, in case the said owner or his agent cannot be found or is unknown, deposit to his or their credit in some safe place of deposit, and then and not before, such lands may be taken and appropriated for the purposes required, and the same shall thereafter be subject to all the laws and ordinances of the city, in the same manner as streets, alleys and public grounds, open or laid out.

Failure of one year to pay damages to vitiate proceedings.

SECTION 191. The damages assessed shall be paid or tendered or deposited, as herein required, within one year from the confirmation of such assessment and report; and if not so paid, tendered or deposited, all the proceedings in any such case shall be void.

Duty of common council when damages are paid.

SECTION 192. The city may pay or tender or deposit as herein required, at any time within one year from the confirmation of such assessment, and report the damages assessed in any such case; and whenever said damages have been so paid, tendered or deposited, it shall be the duty of the common council to enter an order among its proceedings, to take and appropriate such lands for the purposes required.

Discharge of leases, contracts, etc.

SECTION 193. When the whole of any tract or lot or other premises, under lease or other contracts, shall be taken by virtue of this act, all the covenants, contracts or engagements between landlord and tenant or any other contracting parties, touching the same or any part thereof, shall, upon the confirmation of such report, respectively cease and be absolutely discharged.

Discharge of leases, contracts, etc., in part.

SECTION 194. When only a part of a lot or tract of land or other premises so under lease or other contract shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements respecting the same, upon the confirmation of such report, shall be absolutely discharged as to the part thereof taken, but shall remain valid as to the residue thereof, and the rents, considerations and payments reserved payable and to be paid for or in respect to the same, shall be so

proportioned so that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid or recoverable for or in respect to the same.

Appo'ntment of guardian.

SECTION 195. When any known owner of lands or tenements affected by any proceedings under this act shall be an infant, or labor under legal disability, the judge of the circuit court of Marathon county may, upon the application of the common council, or such party or his next friend, appoint a guardian for such party, and all notices required by this act shall be served upon such guardian. Whenever any public grounds, street or alley, shall be laid out, widened or enlarged, under the provisions of this chapter, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city clerk.

Vacating streets, alleys, etc.

SECTION 196. The common council shall have the power to vacate or discontinue, in whole or in part, any highway, street, alley or public walk, within the corporation limits of the city: provided, however, the necessity of so vacating or discontinuing of the same shall be first established by a verdict or report of a jury in like manner as is provided for laying out public squares, grounds and streets in this chapter.

Compensation for services.

SECTION 197. The cost of all proceedings under this chapter shall be paid by the city, and shall be estimated as follows: The jurors shall be entitled to one dollar per day for each day's attendance; the judge or court commissioner, in full for his services in any one case, five dollars; the marshal, ten cents for each service; the printer shall be paid according to legal rates.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1881.

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[No. 106, A.] [Published March 15, 1881.]

## CHAPTER 72.

**AN ACT to amend section four thousand six hundred and thirty-three of chapter one hundred and eighty-eight of revised statutes, entitled "crimes and the punishments thereof."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Imprisonmen for non payment of fine and costs.

SECTION 1. Section four thousand six hundred and thirty-three, of the revised statutes, is hereby amended

so as to read as follows: Section 4633. When a fine is imposed as the whole or any part of the punishment for any offense, by any law, the court shall also sentence the defendant to pay the costs of the prosecution, and the costs incurred by the county at request of the defendant, and to be committed to the county jail until the fine and costs are paid or discharged; but the court shall limit the time of such imprisonment in each case in addition to any other imprisonment, in its discretion, in no case, however, to exceed six months; and the court may also issue an execution against the property of the defendant for said fine and costs.

Approved March 11, 1881.

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[No. 113, A.] [Published March 15, 1881.]

## CHAPTER 73.

AN ACT to amend chapter one hundred and ninety of the general laws of 1879, entitled an act relating to the division of towns and amendatory of section six hundred and seventy-one of the revised statutes of 1878.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Division of towns.

SECTION 1. Section one of chapter one hundred and ninety of the laws of 1879, entitled: "An act relating to the division of towns and amendatory of section six hundred and seventy-one of the revised statutes of 1878," is hereby amended by adding at the end of said section one, the following, to-wit: *provided, however*, that the provisions of this section shall not apply to the formation of a new town from territory taken from two or more towns, or to detaching territory from one town and annexing the same to another upon petition of one-third of the freeholders resident within the territory to be detached, in case each such town, after division, contains an area of not less than thirty-six sections as aforesaid, and real estate valued at the last preceding assessment at thirty thousand dollars or more, and twenty-five qualified voters resident therein at the time of division.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1881.

[No. 94, A.] [Published March 15, 1881.]

## CHAPTER 74.

AN ACT to amend section one thousand and sixty of chapter forty-eight, of the revised statutes of 1878, entitled, "of the assessment of taxes."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Proceedings of board of review.

SECTION 1. Section one thousand and sixty, of chapter forty-eight, of the revised statutes of 1878, entitled, "of the assessment of taxes," is hereby amended so as to read as follows: Section 1060. The supervisors, clerk and assessors of each town, the mayor, clerk and assessors of each city, the president, clerk and assessors of each village, in which taxes are assessed and collected independently of the town, shall constitute a board of review for such town, city or village. The board of review shall meet annually, on the last Monday of June, at its town, city or village clerk's office. A majority shall constitute a quorum. Notice of the time and place of meeting shall be posted up by such clerk in at least three public places in each town, village or city, or ward thereof, at least four days prior to such meeting. The town, city or village clerk on such board of review shall be clerk thereof, and shall keep an accurate record of all its proceedings. The board may adjourn from day to day, or from time to time, until its business is completed, provided, however, that if an adjournment be had for more than one day, a written notice thereof shall be posted on the outer door of said clerk's office, stating to what time said meeting is adjourned, and such board shall receive the same compensation as is allowed by law to assessors, provided that the provisions of this act shall not be so construed as to alter, repeal, amend or modify the provisions of any city charter relating to the cases herein provided for.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1881.

[No. 71, A.] [Published March 15, 1881.]

## CHAPTER 75.

AN ACT relating to justices of the peace, and amendatory of chapter one hundred and twenty-seven, of the general laws of 1880.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Police justice.

SECTION 1. Section one, of chapter one hundred and twenty-seven, of the general laws of 1880, is hereby amended so as to read as follows: Section 1. Section eight hundred and eighty-six, chapter forty, of the revised statutes of 1878, is hereby amended so as to read as follows: Section 886. The police justice shall take and file the oath of office as prescribed in the last section. He shall give a bond conditioned to faithfully discharge all the duties of his office, and pay over according to law, all moneys and fees not his own, collected or received by him. His term of office shall be two years, and until his successor is elected and qualified. Any vacancy shall be filled by a special election for the unexpired term. He may be removed by the board of trustees, on a vote of the president and four trustees, for official incapacity or misconduct, after giving him reasonable hearing in his defense. He shall hold the police court, and within the limits of the village have the jurisdiction of a justice of the peace and exclusive jurisdiction of all cases whatever arising under the ordinances and by-laws of such village, and concurrent jurisdiction of all criminal cases arising therein, provided that in case of the sickness, absence, or incapacity of such police justice to act, any justice of the peace of the village, or adjoining town in the county in which such village is situated, shall have jurisdiction of every such case, upon filing with such justice the affidavit of the complainant setting forth such sickness, absence, or incapacity. He shall have general power to administer oaths and affirmations, and take depositions, acknowledgments of deeds and instruments in writing. He shall be entitled to the same fees as are allowed to justices of the peace for similar services, and no other compensation.

Term of office of police justice.

Powers and duties.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1881.

[No. 74, A.] [Published March 15, 1881.]

## CHAPTER 76.

AN ACT to amend subdivision four of section three thousand three hundred and fifty-one of the revised statutes of 1878.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Subdivision four of section three thousand three hundred and fifty-one of the revised statutes of 1878, is hereby amended by striking out the word "three," in the second line of said subdivision of said section, and inserting in lieu thereof the word "twelve," so that the subdivision of said section, when so amended, shall read as follows: Section 3351. Subdivision 4. That the action in which such attachment is applied for, was commenced within twelve months after such debt, demand or claim accrued or became payable, and no other or further affidavit shall be required for the purpose, and except as otherwise provided in this chapter, the proceedings upon such attachment, in an action in the circuit court, shall be the same as provided in chapter one hundred and twenty-four, but no attachment shall be issued out of the circuit court in any such action, unless the amount claimed in such affidavit shall exceed the sum of one hundred dollars. Affidavit for attachment.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1881.

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[No. 62, A.] [Published March 15, 1881.]

## CHAPTER 77.

AN ACT to authorize John G. Nelson and William Long to erect, maintain and keep up a dam across Hay creek, Burnett county, Wisconsin.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. John G. Nelson and William Long, their associates and assigns, are hereby authorized to erect, maintain and keep up a dam across Hay creek, on section twelve (12), in township forty (40) north, of range eleven (11) west, in Burnett county, Wisconsin: provided that such dam shall not raise the water to exceed twelve feet. Location.

SECTION 2. The aforesaid persons, their associates or assigns, shall build suitable slides in said dam for Slides to be kept open.

running logs, timber and lumber over the same, and shall keep the same in repair. The same shall be kept open at all times when the river is at a driving stage, and there are logs, timber or lumber to run over said dam, and when it is not necessary to hold the water back for the purpose of driving or flooding logs, timber or lumber below the said dam, for which purpose flood gates shall be kept in repair and built in such manner as to be shut or open as the case may require, to flood the said logs, timber or lumber.

Life of privilege.

SECTION 3. The aforesaid persons, their associates and assigns, shall enjoy the privileges granted in this act for the period of fifteen (15) years.

Tolls.

SECTION 4. When the aforesaid persons, their associates, or assigns, shall have completed said dam as aforesaid, they are hereby authorized and empowered to demand, receive and collect from the owners of all logs, timber and lumber passing over such slides, or driven by the aid of said dam, as a compensation for keeping up and maintaining such dam, the sum of five cents per thousand feet, board measure, the amount to be ascertained by scale upon the landing in the woods, if there be one; if not, in any other practicable way, and the aforesaid persons, their associates and assigns, shall have a lien on all logs, timber and lumber run over said dam, or driven by the aid thereof, until the charges aforesaid shall be fully paid, which lien may be enforced in the same manner as the lien of laborers on logs, provided that said Nelson and Long shall at all times comply with the provisions of section two of this act.

Control of dam.

SECTION 5. The control of said dam, the slides and gates of the same, shall belong to the said Nelson and Long, their associates and assigns, and be under their exclusive control, subject always to the provisions of section two of this act.

SECTION 6. This act shall take effect from and after its passage.

Approved March 12, 1881.

[No. 26, A.] [Published March 15, 1881.]

## CHAPTER 78.

AN ACT to amend chapter two hundred and fifty-three, of the private and local laws of this state, passed in the year 1868, entitled an act to revise and amend chapter one hundred and seventy-six, of the private and local laws of 1857, entitled an act to amend an act entitled an act to incorporate the city of Beloit, approved March 31, 1856.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Subdivision one of section three of title four of chapter two hundred and fifty-three of the private and local laws of this state, passed in the year 1868, entitled an act to revise and amend chapter one hundred and seventy-six of the private and local laws of 1857, entitled an act to amend an act entitled an act to incorporate the city of Beloit, approved March 31, 1856, is hereby amended so that the same shall read as follows: 1. To license and regulate the exhibition of common showmen and shows of any kind, the exhibition of caravans, circuses and theatrical performances, the keeping of billiard tables and bowling saloons, and to prohibit the same, to declare the same a nuisance, and to abate any nuisance, to grant license under any excise law of this state, subject, however, to such regulations, restrictions and limitations, and for such sum, as to the council shall seem proper; and the common council may cause such regulations, restrictions and limitations, or the substance thereof, to be inserted in any license granted or issued in said city for the sale of strong, spirituous or intoxicating liquors, and the same shall form a part of such license; and no such license shall be construed to give to the holder thereof any further or greater rights and privileges than such as therein stated: provided that no license to sell or traffic in strong, spiritous or intoxicating liquors within said city shall be granted for a less sum nor for a longer time than is now provided, or may hereafter be provided, by the general laws of this state relating to excise and the sale of intoxicating liquors.

Granting licenses.

SECTION 2. Subdivision two of said section three of title four of said chapter two hundred and fifty-three, is hereby amended so that the same shall read as follows: 2. To restrain and prohibit all vending or dealing in or giving away spiritous, vinous, fermented or intoxicating liquors, and all descriptions of gaming and fraudulent devices and practices, and all playing of

To restrain and prohibit liquor dealing.

cards, dice or other games of chance for the purpose of gain in said city, and may declare the illegal traffic in strong, spiritous, malt, ardent, or intoxicating liquors or drinks a nuisance, and abate it as such; and the common council may revoke any license for the sale of spiritous liquors for a violation of any law of this state relating in any way to excise or to the sale of spiritous or intoxicating liquors, or for a breach of any or either of the conditions of any bond given by any person or persons to whom such license has been given, or for the violation of any regulations or restriction made or adopted by the common council relating to the sale or traffic in spiritous or intoxicating liquors.

Qualified electors.

SECTION 3. Section five, title two of said chapter two hundred and fifty-three is hereby amended so that the same shall read as follows: Section 5. All persons entitled to vote within said city for state and county officers, shall be entitled to vote at any election held under this act.

Challenging voters.

SECTION 4. Section seven, title two of said chapter two hundred and fifty-three is hereby amended so that the same shall read as follows: Section 7. If either of the inspectors shall suspect that any person offering a vote does not possess the qualifications of an elector, or if such vote be challenged by an elector, the inspectors, before receiving the vote of any such person, they shall require him to take the oath prescribed by the laws of this state relating to electors and general elections.

Witnesses required to appear before common council.

SECTION 5. Any officer in the city authorized to issue subpœnas in any civil or criminal suit or proceeding, may issue a subpœna to witness to appear and testify before the common council upon any complaint or other matter pending before said council. Such subpœna may be served in the same manner as in civil actions pending in any court. The mayor or other presiding officer of the council, and the city clerk of the city, are hereby authorized and empowered to administer the proper oath to any witness to be examined before said council. And if any person shall refuse to appear before the council in obedience to a subpœna duly served upon him, or if he refuses to testify before said council in answer to any question put to him, such refusal shall be certified by the city clerk or clerk pro tem. of said council, to the officer who issued the subpœna, and such certificate shall be received as presumptive evidence of the matters therein stated; and the officer who issued such subpœna is hereby

authorized and empowered to punish such witness in the same manner as if such witness had refused to appear or had refused to testify in any suit or proceeding pending before him.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1881.

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[No. 9, A.] [Published March 15, 1881.]

## CHAPTER 79.

**AN ACT to amend section four thousand three hundred and seventy-six, revised statutes, relating to punishment for assault with intent to rob or murder.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Assault with intent to murder or rob.**

SECTION 1. Section four thousand three hundred and seventy-six of the revised statutes, is hereby amended so as to read as follows: Section 4376. Any person being armed with a dangerous weapon, who shall assault another, with intent to rob or murder, shall be punished by imprisonment in the state prison not more than fifteen years nor less than one year.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1881.

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[No. 7, A.] [Published March 15, 1881.]

## CHAPTER 80.

**AN ACT to amend section one of chapter two hundred and twenty, of the general laws of 1880, entitled, "An act providing for the disposal of redemption money remaining in the hands of county clerks more than six years."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Return into county treasury of redemption money from tax sales.**

SECTION 1. Section one of chapter two hundred and twenty, of the general laws or 1880, is hereby amended by adding to said section the following: From the general fund; and said redemption money when paid into the county treasury by said county clerk, shall become a part of the general fund, and shall be disbursed as other moneys belonging to the general fund; so that said section will read, when amended, as follows: Section 1. All redemption moneys, from tax sales, which have been or which shall hereafter be paid to county clerks, shall, after the expiration of six years from the date of such sale, be

paid into the county treasury by the county clerk, and with such payment, he shall file with the county treasurer a certified statement, giving the number of the certificate redeemed, the date thereof, the purchase thereof, and the amount paid on such redemption, and the legal holder of any such tax certificate so redeemed, may thereafter present the same to the county treasurer and receive from him the amount paid upon such redemption of said certificate from the general fund; and said redemption money when paid into the county treasury by said county clerk, shall become a part of the general fund, and shall be disbursed as other moneys belonging to the general fund.

Approved March 11, 1881.

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[No. 226, S.] [Published March 22, 1881.]

## CHAPTER 81.

AN ACT to amend section one of chapter ninety-five of the private and local laws of 1859, entitled an act to amend an act entitled an act to incorporate the city of Ripon.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Elective officers.

SECTION 1. Amend section one of chapter ninety-five of the private and local laws of 1859, so that the same shall read as follows: Section 1. The elective officers of each ward of said city of Ripon, shall be three aldermen, one assessor, one constable and one supervisor, which latter officer shall represent his ward on the county board of supervisors of Fond du Lac county.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 12, 1881.

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[No. 137, S.] [Published March 22, 1881.]

## CHAPTER 82.

AN ACT to amend chapter one hundred and seventy-eight of the private and local law of 1867, entitled an act in addition and supplementary to chapter seventy-two, of the private and local laws of 1858, entitled an act to incorporate the city of Ripon.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Chief of fire department.

SECTION 1. Section one of chapter one hundred and seventy-eight of the private and local laws of 1867,

is hereby amended by adding to it the following: "And to appoint, upon the nomination of said company or companies, a chief of the fire department, and to provide for the payment to said chief, of an annual salary of not more than one hundred dollars."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 12, 1881.

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[No. 191, S.] [Published March 22, 1881.]

## CHAPTER 83.

AN ACT to legalize the acts of the officers of the village of Brandon, in the county of Fond du Lac.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The acts and doings of all persons who have acted as officers of the village of Brandon, in the county of Fond du Lac, since the attempted organization thereof, November 12, 1877, whether as president, trustees, clerk, treasurer, supervisor, marshal, constable, police justice, justice of the peace, pound master, fire warden, street commissioner, or health officer, are hereby legalized, and declared valid and binding in all courts, and places, the same as though said village had been fully and legally incorporated on said date, and said officers had acted under due authority of law. Legalized.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 12, 1881.

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[No. 131, S.] [Published March 22, 1881.]

## CHAPTER 84.

AN ACT to repeal section two of chapter twenty-three of the general laws of 1863, entitled "an act to authorize road district number one, in the town of Winchester, in the county of Winnebago, to expend highway tax in the town of Clayton."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section two of chapter twenty-three of the general laws of 1863, is hereby repealed. Repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 12, 1881.

[No. 112, S.] [Published March 23, 1881.]

## CHAPTER 85.

**AN ACT to provide for a public park in the fifth ward of the city of Milwaukee.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Sale of block 18, fifth ward.

SECTION 1. The city of Milwaukee is hereby authorized to sell at the largest practicable price all the interest of said city, or of the fifth ward, in block eighteen, in said fifth ward, and hold the proceeds of such sale in trust for said ward for the purposes hereinafter described.

Aldermen to select public park or market.

SECTION 2. Whenever the city of Milwaukee shall have sold and conveyed the property described in the first section of this act, as provided in said section, it shall be the duty of the aldermen of said fifth ward, or of a majority of them, as soon as practicable after such sale, to proceed to select a suitable site for a public park or market in said ward, and as far as practicable to contract for the necessary land for such park or market, at a price not greater than the aggregate proceeds of the sale provided for in the first section of this act; and when said aldermen or a majority of them shall have selected said site and contracted for the necessary land for said park or market, or otherwise ascertained the conditions upon which said lands may be obtained as hereinbefore provided, they shall file with the proper officers of said city a description of the site so selected and of said lands with a statement of the probable price at which said land can be obtained, whereupon said city of Milwaukee may purchase and hold in trust for the use of said ward for a public park or market in said ward, all of the said lands so selected and described.

Authority of council and aldermen of fifth ward.

SECTION 3. No such purchase shall be made until the same shall have been ordered by the common council of said city by resolution adopted by an affirmative vote of a majority of the members of such council and a majority of the aldermen of said ward, specifying the land to be purchased, the maximum price to be paid therefor and the terms of payment.

Condemning lands.

SECTION 4. In case it shall be deemed necessary to condemn any portion of the land selected by said aldermen as a site for said park or market, it shall be the duty of said city to proceed to condemn the same in the same manner that said city is otherwise authorized to condemn lands for public use; and in case such

condemnation is made, all amounts assessed to said city for payment in consequence of the taking of such lands for such park or market shall be paid from the proceeds of the sale provided for in the first section of this act.

SECTION 5. Nothing in this act shall be construed to authorize the city to sell any buildings belonging exclusively to said city and situated in said block; nor shall said city be held liable for the cost of the land taken or purchased, or for the improvement of said park or market in any manner except as provided in this act, provided that the city of Milwaukee may receive donations for the purchase or improvement of said park or market in addition to the proceeds of the sale provided for in the first section of this act; but no part of the proceeds of such sale shall be applied to the purchase or establishment of a market until suitable buildings and other improvements therefor of a total value of at least ten thousand dollars, shall have been previously provided for by donation and without cost to said city or ward. Liability of city. Donation required.

SECTION 6. This act is hereby declared to be an amendment of the charter of said city and all acts and parts of acts contravening the provisions of this act are hereby repealed. Amendment.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 12, 1881.

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[No. 87, S.] [Published March 23, 1881.]

## CHAPTER 86.

AN ACT to amend sections two thousand seven hundred and fifty-three and two thousand seven hundred and sixty-eight of the revised statutes, relating to garnishment.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section two thousand seven hundred and fifty-three of the revised statutes, is hereby amended by inserting after the word affidavit, in the sixth line thereof, the words "stating the amount of his claim against the defendant or defendants, over and above all offsets," and so that said section, when so amended, shall read as follows: Section 2753. Either at the time of the issuing of the summons, or at any time thereafter before final judgment, in any action to recover damages founded upon contract, express or im- Affidavit for garnishment.

plied, or upon judgment or decree, or at any time after the issuing, in any case, of an execution against property, and before the time when it is returnable, the plaintiff, or some person in his behalf, may make an affidavit stating the amount of the plaintiff's claim against the defendant or defendants over and above all offsets and stating that he verily believe that some person, naming him, is indebted to or has property, real or personal, in his possession or under his control, belonging to the defendant (or either or any of the defendants) in the action or execution, naming him, and that such defendant has not property liable to execution sufficient to satisfy the plaintiff's demand, and that the indebtedness or property mentioned in such affidavit is to the best of the knowledge and belief of the person making such affidavit, not by law exempt from seizure, or sale upon execution. Any number of garnishees may be embraced in the same affidavit and summons hereinafter provided for; but if a joint liability be claimed against any, it shall be so stated in such affidavit, and the garnishee named as jointly liable, shall be deemed jointly proceeded against, otherwise the several garnishees shall be deemed severally proceeded against.

Liability of garnishee.

SECTION 2. Section two thousand seven hundred and sixty-eight of the revised statutes, is hereby amended by adding at the conclusion thereof the following: In case such moneys, credits and effects, in the possession, or under the control of the garnishee, shall exceed the amount of the plaintiff's claim, the garnishee shall stand liable to the plaintiff only for the amount of the plaintiff's claim as disclosed by his affidavit provided for in section two thousand seven hundred fifty-three, together with such further amount as shall be equal to all costs and damages which the plaintiff may recover in the action and garnishee proceedings.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 12, 1881.

[No. 4, S.] [Published, March 23, 1881.]

## CHAPTER 87.

**AN ACT relating to and amendatory of section ten of sub-chapter six of chapter sixteen of the private and local laws of the state of Wisconsin for the year 1872, entitled "an act to incorporate the city of Eau Claire."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section ten of sub-chapter six of chapter sixteen of the private and local laws of the state of Wisconsin for the year 1872, is hereby amended by adding at the end of said section ten the following: And provided further that whenever any one of the wards of said city shall through its representatives in the common council of said city, apply for permission and authority to construct a sewer wholly within the limits of said ward to be paid for by a special ward tax to be levied and assessed upon the taxable property real and personal in said ward, the said common council may thereupon by resolution or ordinance, grant permission and authority to said ward to construct such sewer wholly at the expense of said ward, and upon such further conditions as the said common council may prescribe. And if said common council shall so authorize the construction of any such sewer it shall and hereby is authorized and empowered to levy and collect by tax upon the taxable property, real and personal, in said ward, a sum sufficient to pay for such construction and all cost and expense incurred in relation to such sewer and the construction thereof; which tax shall be levied, assessed and collected as a special ward tax, at the same time and in the same manner as the taxes for general city purposes in said city of Eau Claire for the next ensuing year are now authorized by law to be levied, assessed and collected; and when collected the same shall be set apart and held in the treasury of said city as a special ward fund for the ward in which it may have been collected, and to be applied and paid out upon the order of the aldermen for such ward, for the purposes for which the same was so levied and assessed.

Construction of sewer wholly within ward.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 12, 1881.

[No. 3, S.] [Published March 23 1881.]

## CHAPTER 88.

**AN ACT to authorize Delos R. Moon, his associates and assigns, to construct and maintain piers and booms in the Chippewa river, in the county of Eau Claire, and state of Wisconsin.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Location of dam.

SECTION 1. Delos R. Moon, his associates and assigns, are hereby authorized and empowered to construct, maintain and keep in repair, piers, booms, sheer and all other kind of booms, in the Chippewa river, in the county of Eau Claire and state of Wisconsin, from the north line of section twenty-five, in township twenty-seven, north of range ten west, down said river to the south line of section thirty-four, in township and range aforesaid: provided, that the same be so constructed and maintained in said river on or in front of lands now owned or which may hereafter be owned by the said Delos R. Moon, his associates or assigns, within the limits above specified or upon or in front of lands which the said Delos R. Moon, his associates or assigns, shall have obtained or shall hereafter obtain license or authority from the proper person or persons to so construct and maintain the same within the aforesaid limits: and provided further, that said piers and booms, shall be so constructed and maintained as not to materially obstruct the navigation of said river, but there shall at all times be kept and maintained a free and unobstructed channel for the passage of boats and rafts navigating said river for the entire length of said booms and works.

Piers and booms.

Use to be made of booms.

SECTION 2. Said piers and booms to be used for the purpose of receiving, sorting, holding and otherwise handling logs, timber, fence posts, railroad ties and other materials; and the said Delos R. Moon, his associates and assigns, shall have the exclusive direction of the receiving, handling, sorting and delivering of logs, timber, fence posts, railroad ties and other materials in said booms and works; but shall only detain logs, timber, fence posts and railroad ties of other persons or parties coming, floating or received into said booms, a sufficiently reasonably length of time to have the same sorted; and all logs and other materials aforesaid belonging to the said Delos R. Moon, his associates or assigns, to be separated from those belonging to other persons or parties, and which may be destined for points on said river below said booms, and shall there-

upon turn out from said booms and works, such logs and other materials so destined for points on said river below said booms and works.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 12, 1881.

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[No. 354, A.] [Published March 23, 1881.]

## CHAPTER 89.

**AN ACT to amend subdivision three of section four of chapter six of chapter one hundred and twenty-three of the general laws of 1877, entitled an act to revise, consolidate and amend the charter of the city of Oshkosh, the act incorporating the city, and the several acts amendatory thereof.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Subdivision three of section four of chapter six of chapter one hundred and twenty-three of the general laws of 1877, entitled an act to revise, consolidate and amend the charter of the city of Oshkosh, the act incorporating the city, and the several acts amendatory thereof, is hereby amended so as to read as follows: Section 3. To license and regulate the exhibition of common showmen, or shows of any kind, or the exhibition of caravans, circuses, theatrical performances, billiard tables and bowling saloons, to prescribe the amount to be paid for such license, and the time when such license shall expire. And to grant licenses for the selling of spirituous or fermented liquors, ale or beer, and to revoke the same for a violation thereof, and the amount to be paid for any such license for the selling of spirituous or fermented liquors, ale or beer, shall be the sum of seventy-five dollars per annum, except druggists, who shall pay for such license the sum of sixteen dollars per annum, and to prescribe the time when such license shall expire; and may require of all persons applying for license for the sale of spirituous, vinous or fermented liquors, ale or beer, a bond in such penal sums and with such provisions as the common council shall direct: provided that no person so licensed shall give away or sell spirituous, vinous or fermented liquors, ale or beer, on election days or Sundays.

Amended.

Powers of council.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 12, 1881.

[No. 207, A.] [Published March 23, 1881.]

## CHAPTER 90.

AN ACT to authorize the city of Waupaca to enter into a contract with the county of Waupaca in relation to the purchase of a court house for purposes of a city hall.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Contingency upon which city shall purchase court house.

SECTION 1. The city of Waupaca by its common council is hereby authorized and empowered to enter into a contract with the board of building commissioners, appointed for and on behalf of Waupaca county, to superintend the building of a new court house in said county, pursuant to the provisions of an ordinance passed by the board of supervisors of Waupaca county at its annual meeting in November, in 1880, to the effect that said city shall bind itself to purchase said court house of said county upon the happening of a certain contingency, and upon the terms and conditions mentioned in section five of said ordinance.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 12, 1881.

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[No. 107, A.] [Published March 22, 1881.]

## CHAPTER 91.

AN ACT to facilitate the sale of a certain tract of school land in Columbia county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Lands authorized to be sold.

SECTION 1. The commissioners of the public lands are hereby authorized and empowered to sell for a sum not less than one hundred dollars, on such terms as other school lands are sold, the tract described as lot number twenty-four (24), section sixteen (16), township thirteen (13) north, of range twelve (12) east, in Columbia county, containing four and ninety-nine one-hundredths acres, according to the state survey of said section sixteen.

SECTION 2. This act shall take effect immediately upon its passage and publication.

Approved March 12, 1881.

[No. 21, A.] [Published March 23, 1881.]

## CHAPTER 92.

AN ACT relating to the area of villages, and amendatory of section eight hundred and fifty-four of the revised statutes.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section eight hundred and fifty-four of chapter forty, of the revised statutes, is hereby amended by striking out the words "one square mile," where the same occur in said section, and insert in place thereof the words "one-half square mile," so that said section will read as follows: Section 854. Any part of any town or towns not less than one-half square mile in area, and not included in any village, and all lying in the same county, which shall contain a resident population of not less than three hundred persons thereon, may, upon compliance with the conditions of this chapter, become incorporated as a village by such name as shall be designated in the order of the court for its incorporation, with the ordinary powers of a municipal corporation, and such as are conferred by these statutes. Area of village.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 12, 1881.

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[No. 410, A.] [Published March 16, 1881.]

## CHAPTER 93.

AN ACT to amend section one thousand seven hundred and fifty-three of chapter eighty-five of the revised statutes, entitled "general provisions relating to corporations."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one thousand seven hundred and fifty-three of chapter eighty-five of the revised statutes, entitled "general provisions relating to corporations," is hereby amended so as to read as follows: No corporation shall issue any stock, or certificate of stock, except in consideration of money, or labor, or property, estimated at its true money value, actually received by it, equal to the par value thereof, nor any bonds, or other evidence of indebtedness, except for money, labor or property, estimated at its true money value, actually received by it, equal to seventy-five per cent. of the par value thereof, and all stocks and Issuing stock.

bonds issued contrary to the provisions of this section, and all stock dividends, or other fictitious increase of the capital stock of any corporation, shall be void; *provided, however*, that any corporation whose stock or bonds have been, or shall hereafter be admitted to the stock exchange of Chicago, New York, Boston or Philadelphia, or of either of said cities, may sell such stock or bonds so admitted at the best price or prices current for the time being obtainable therefor on any of the said exchanges at which the same shall be offered for sale.

Stock quoted in market.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1881.

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[No. 144, A.] [Published March 18 1881.]

## CHAPTER 94.

AN ACT to amend chapter eighty-three, laws of 1880, entitled an act to incorporate the city of Platteville.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Chapter two, amended.

SECTION 1. The following sections of chapter two, of chapter eighty-three, of the laws of 1880, are hereby amended as follows: Section 1. Strike out "April" in second line and insert "March." Section 2. Strike out all after word "vote" in sixth line.

SECTION 2. The following sections and sub-sections of chapter four, of said chapter eighty-three, are hereby amended as follows: Section 5. After the word "copies" in line nine insert the words "of any ordinance, rule, regulation, or by-law of said city, and." Section 7. Strike out in line nine the words "of record." Section 8. Add after the word "reservoirs," in line eight, "sidewalks," and in line thirteen add "for time actually employed." Section 9. Strike out in line nine after the word "compensation," "by agreement or otherwise;" also strike out in line nine, after the word "city," the words, "and shall be carefully preserved in the office of the surveyor;" and also by striking out all after the word "and," where it last appears in said section, and adding in lieu thereof the words "they shall be carefully preserved in the office of the city clerk." Section 11. Strike out in line thirteen the word "March" and insert "February," and in line eighteen, after the word "determine," add

Section 5. Section 7. Section 8. Section 9. Section 11.

"not more than one-quarter of one per cent. per annum of all moneys paid into the treasury." Section 12. Add in line six, after the word "compensation," "not to exceed thirty dollars per month," and in line fifteen, after the word "and," insert "when ordered by the common council." Section 13. Strike out in line twenty-two all after the word "city," down to and including the word "offender," in the twenty-fourth line, and inserting in lieu thereof the words "if at a time when a justice can be found at his office;" also, in line twenty-six, change the word "assistant" to "assistance." Section 14. Strike out line four, after the word "prescribed," all down to and including the word "compensation," in line seven. Section 16. Strike out in line six the words "third Tuesday in April," and insert in lieu thereof "last Monday in February;" and in line fourteen, strike out the word "six" and insert "twelve." Section 17. Subsection 1. Add in line eleven, after the word "away," "for the purpose of evading the law," after the word "hundred," in sixteenth line (first mentioned), add "and fifty," after the word "annum," in line seventeen, "and any license for the sale of such liquors, not to be drank on the premises, shall not be less than forty dollars, drug stores included." Subsection 2. Add after line three, the words "in all public rooms or places." Subsection 16. After the word "otherwise," in last line, add "all contracts for labor, work, or material ordered or purchased by the common council (except where otherwise provided for by this act), exceeding in value the sum of one hundred dollars, shall be let to the lowest responsible bidder, after public advertisement for bids, for at least one week prior to such letting, by publication in some newspaper published in said city, or by posting in at least four public places in said city. All bidders shall be required to give bond to the city, with good and sufficient surety to be approved by the mayor and city clerk, in double the amount of any such contract, for the faithful performance of the same, and to indemnify the city from all costs, damages or loss, by reason of any neglect or default upon the part of such contractor. In case the common council shall deem the lowest bid in any case to be unreasonably high, it shall have the right to reject all bids, and readvertise for proposals." Subsection 24. Add after the word "regulations," in last line, "*Provided, however*, before any public market shall be established, the question of such establishment shall be submitted to a vote of the elect-

Section 12. Section 13. Section 14. Section 16. Section 17. Subsection 2. Subsection 16. Subsection 24.

ors of said city, and a majority shall vote in favor thereof at a general or special election held therein, upon due notice; notice of the submission of such question shall be given for at least ten days before such election." Subsection 32. Amend so it shall read as follows: To provide for the licensing of auction and commission houses, and all houses or places where there shall be public offer of property for sale in the manner known as "Dutch auction," such license shall in no case be less than fifty dollars or more than two hundred dollars, in addition to the percentage required to be paid by the auctioneer. Also, to restrain, regulate or prohibit public sales of goods, wares and merchandise upon the streets, or public grounds in said city, at auction or otherwise. Also, to restrain, regulate or prohibit the advertising sales by auction or otherwise, by the ringing of bells, gongs, or making any loud or unusual noise or outcry upon the streets or public grounds of said city. Also to regulate the times, places and manner of holding public auctions and vendues, and to tax, license and regulate auctioneers, distillers, brewers and pawnbrokers, and to tax, license, regulate, restrain or prohibit hawkers and peddlers, gift-book stores, gift concerts, and any other gift enterprise. Subsection 38. Add after the word "hail," in line four, "provided, no purchase of any said real estate shall be made to exceed one thousand dollars in value during any current year, unless the question of such purchase shall have been submitted to the electors of said city at a general or special election upon due notice, and a majority thereof shall vote in favor of such purchase. Notice of the summission of such question shall be given at least ten days prior to such election by posting or publication thereof as in other cases." Subsection 39. Strike out in line five the words, "unjust or." Subsection 40. After the word, "appoint," in line one, add, "or cause to be elected a chief of fire department and fire wardens," also strike out after the word "fires," in the fifth line, down to and including the word "works," on the seventh line, and also strike out after the word "chimneys" to the word "and," in line twenty-eight; after the word "authorize," strike out "them," and insert the words "fire wardens" after the word "city," where it last appears in said subsection. Subsection 41. Strike out all of this and insert in lieu thereof, "To license, regulate, restrain or prohibit the letting of stallions or jacks to mares within the corpor-

Subsection 32.

Subsection 38.

Subsection 39.

Subsection 40.

Subsection 41.

ate limits of said city." Subsection 42. Strike out the words "or prohibit," in line one. Subsection 42.

SECTION 3. The following sections of chapter five of said chapter eighty-three, are hereby amended as follows: Section 1. Strike out the word "sufficient" in the seventeenth line, and insert "*prima facie.*" Section 2. After the word "taken," in last line, add "and such intention to move for reconsideration or rescission, shall be contained in the notice for such special meeting." Section 3. Strike out the word "March" in the first line and insert the word "February." Section 1. Section 2. Section 3.

SECTION 4. Section one of chapter six, of said chapter eighty-three, is hereby amended so as to read as follows: "The public schools of this city, including districts number four and five in the town of Platteville as at present constituted, shall be under the control of a board of education, consisting of five residents of said city, who shall be elected by the common council; said board when duly qualified shall organize by electing from its number a president, a clerk and a treasurer. The duties of said board shall be the same as are prescribed by the statutes of the state for the government of schools. This section to take effect and be in force from and after it shall have been submitted at any annual school meeting of said districts, and a majority of the voters present at each said meetings shall vote in favor thereof." Public Schools.

SECTION 5. Section two of chapter seven, of said chapter eighty-three, is hereby amended as follows: Add after the word "statute" in the fourth line, "or this act," also add after the word "year," in the ninth line, "provided, however, that such taxes shall not exceed one per centum upon the assessed value of the property in said city, according to the assessment roll of the previous year." Section 2 of chapter 7.

SECTION 6. Section ten of chapter eight, of said chapter eighty-three, is hereby amended as follows: Strike out the words "one week," in fifth line, and insert in lieu thereof "two weeks." Section 10 of chapter 8.

SECTION 7. The following sections of chapter nine, of said chapter eighty-three, are hereby amended as follows: Section 1. After the word "repair," in line thirteen, insert "or rebuilt;" also, after the word "repair," in line twenty-seven, insert the words "or rebuilding." Section 2. Insert after the word "warrant," in lines six and seven, the words "signed by the mayor and countersigned by the clerk." Sections 1 and 2 of chapter 9.

SECTION 8. The following sections of chapter ten of

said chapter eighty-three, are hereby amended as follows: Section 1. Strike out, in line fifteen, the word "seven," and insert in lieu thereof the word "four;" and also in the twelfth line strike out "May," and insert "April." Section 2. Strike out "May," in line nineteen, and in lieu thereof insert "April;" and also in line twenty-eight strike out the words "supervisors of said town," and insert in lieu thereof "common council;" and also strike out all after the word "council," in line thirty-four, to the end of the section; and also strike out the word "may," in line twenty-nine, and insert in lieu thereof the word "shall." Section 8. Strike out the words "and taxes," in line three.

Section 1.

Section 2.

Section 8.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1881.

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[No. 153, S.] [Published March 18, 1881.]

## CHAPTER 95.

AN ACT to repeal chapter two hundred and thirty-three of the laws of 1879, entitled an act to provide for the registry of electors at charter elections in the city of Milwaukee, approved March 4, 1879, and all acts amendatory thereof.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Repealed.

SECTION 1. Chapter two hundred and thirty-three of the laws of 1879, entitled "an act to provide for the registry of electors at charter elections in the city of Milwaukee," approved March 4, 1879, and all acts amendatory thereof, are hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1881.

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[No. 18, A.] [Published March 18, 1881.]

## CHAPTER 96.

AN ACT to authorize the town of Waupaca to appropriate a certain sum of money to the city of Waupaca.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation of $1,500 authorized.

SECTION 1. The board of supervisors of the town of Waupaca, in the county Waupaca, is hereby authorized and empowered to appropriate to the city of Waupaca, out of the moneys in the treasury of said

town derived from the sale of Wisconsin Central railroad stock, the sum of fifteen hundred dollars, for the purpose of aiding said city in making up and raising the sum of seven thousand dollars to be paid into the treasury of Waupaca county for the purpose of aiding in the construction of a new court house at the city of Waupaca during the year 1881, according to the provisions and conditions contained in an ordinance passed by the county board of supervisors of Waupaca county, at its annual meeting in November, 1880.

City to raise $5,500.

SECTION 2. The town board of supervisors of said town shall appropriate said money only upon condition that the city of Waupaca shall raise or make up the balance of said seven thousand dollars, and perform all the conditions upon which the county board of supervisors of said county made an appropriation of fifteen thousand dollars for building a new court house, nor shall said town board of supervisors be authorized to make said appropriation until a petition has been presented to them, signed by a majority of the electors of said town, asking that such appropriation be made.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1881.

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[No. 12, A.] [Published March 18, 1881.]

## CHAPTER 97.

**AN ACT to amend chapter forty-five of the private and local laws of 1871, entitled "an act to incorporate the Wausau boom company."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amendment.

SECTION 1. Section ten of chapter forty-five of the private and local laws of 1871, entitled "an act to incorporate the Wausau boom company," is hereby amended by inserting the words "one, two, three, eleven, twelve," after the word "number" in the seventh line of said section, so that said section when so amended, will read as follows: Section 10. The said company shall have the exclusive right to construct, maintain and keep any and all the piers and booms which it may deem necessary for holding, storing, assorting or dividing of logs, timber or lumber or for any other purpose, in the Wisconsin river, in said county of Marathon, in sections number one, two, three, eleven, twelve, thirteen, twenty-three, twenty-four and twenty-

Location of improvements.

six, town twenty-nine, range seven east, as far south as the lower dividing boom on section thirty-five, not including the grand (guard) locks.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1881.

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[No. 205, S.] [Published March 17, 1881.]

## CHAPTER 98.

**AN ACT to provide for a consolidation of joint school districts, numbers two and five, of the city and town of Ripon, and to provide for the support and management of public schools therein.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Boundaries of union school district.

SECTION 1. The territory within the limits of joint school districts numbers five and two of the town and city of Ripon, in Fond du Lac county, Wisconsin, shall constitute one district, for the better regulation and management of all the public schools thereof, to be known and designated as union school district of the city and town of Ripon.

Commissioners of public schools.

SECTION 2. There shall be elected in each ward of said city of Ripon, at the time of holding the charter election in the city of Ripon in April, 1881, three (3) commissioners of public schools by the qualified electors within the territorial limits of said union school district, one of which commissioners shall be elected in each ward for the term of one year, one for two years, and one for three years; and at each succeeding annual charter election thereafter, there shall be elected in each ward, one commissioner for the term of three years; said commissioners to receive no salary for their services. The electors residing in the town of Ripon within the limits of joint school district number two aforesaid, shall be eligible to the office of commissioner, and shall vote for such commissioners in the second ward of said city; and the electors residing in the town of Ripon within the limits of joint district number five aforesaid, shall, in like manner, be eligible to said office, and shall vote for such commissioners in the first ward of said city.

Organization of board of education.

SECTION 3. The commissioners of public schools in said union school district shall constitute a board of education of union school district of the city and town of Ripon, which shall be a corporate body in relation to all the powers and duties conferred on them by this

act. A majority of the board shall form a quorum. At their first meeting after their appointment and after each annual charter election, said board shall elect one of their number president, who shall preside at the meetings of said board, and in his absence a president pro tempore may be appointed, and at the same meeting said board shall elect a clerk of the board by ballot, whose term of office shall continue until the next charter election thereafter of said city, and it shall require a majority of said board to elect such clerk. The salary of said clerk shall be fixed by said board, not exceeding one hundred dollars per annum, and at the same meeting said board shall elect a superintendent of schools, whose term of office shall continue until the next charter election thereafter of said city, and until the election and qualification of his successor. In the election of such superintendent, the members of said board shall vote viva voce, and it shall require a majority of all of the members of said board to elect; and the clerk of said board shall record in the journal of the board the result of such election, and also enter therein for whom each member voted on the final vote.

**Salary of clerk.**

SECTION 4. The common council of the city of Ripon may make appointments of commissioners of public schools from the portion of said union school district in each ward of said city to fill vacancies which may exist or occur from any cause other than the expiration of the term of office of those elected. The commissioners so apppointed shall hold their office until the next annual charter election of said city. The said superintendent of schools shall have a casting vote in said board in case of a tie, upon all questions, excepting the election of superintendent, and shall perform all the duties and shall have the same rights and powers within said district, and be subject to the same liabilities as superintendent of schools of counties, and shall give a bond which shall be approved by the said board, except as otherwise provided in this act.

**Council may appoint to fill vacancies.**

SECTION 5. Immediately after the passage and publication of this act, the common council of the city of Ripon may appoint said commissioners, who shall hold their office until the next charter election of said city and until their successors are elected and qualified, and no member of the common council of said city shall at the same time be a member of said board of education.

**Appointment of first board.**

Removal for misconduct.

SECTION 6. Any of said commissioners may be removed from office for official misconduct, by the common council of the city of Ripon, by a vote of two-thirds of the members thereof, but said commissioners shall be granted a full and fair hearing before removal.

Record of proceedings.

SECTION 7. The clerk of said board shall keep a record of the proceedings thereof, and perform such other duties as the board may prescribe, which record or transcript thereof, certified by the president and clerk, shall be received in all courts as *prima facie* evidence of the facts therein set forth; and such record and all the books and accounts of the said board shall at all times be subject to the inspection of the common council, and of any committee thereof.

Duty of city and town clerks.

SECTION 8. On or before the third Monday in November of each year, the clerk of the city of Ripon shall furnish the clerk of the board of education a statement showing the value of the real and personal property in said city, lying in said union school district, the same to be ascertained by said city clerk from the last equalized assessment roll of said city, and the clerk of the town of Ripon shall also, on or before the third Monday of November of each year, deliver to the said clerk of said board of education, a statement showing the value of the real and personal property in said town of Ripon, lying in that part of said school district in said town, as ascertained by the last equalized assessment roll of said town, and it shall be the duty of said clerk of said board of education to report to said clerk of the city of Ripon the amount of taxes to be raised in said school district for school purposes, and the proportion of said tax that shall be apportioned to that part of said district lying in said city. The clerk of the said board of education shall also report to the clerk of the town of Ripon the amount of taxes to be raised for school purposes in said school district, and the proportion of said tax apportioned to that part of the town of Ripon lying in said school district.

Duty of clerk of board.

School tax.

SECTION 9. The common council of the said city shall have the power, and it shall be its duty to raise from time to time, by tax upon the real and personal estate within the territorial limits of said union school district, in said city, which shall be liable to taxation for the ordinary city taxes or for the city and county charges, in addition to the amount of school moneys now or hereafter appropriated or provided by law for

public schools in said district, such proportion, as arrived at under the provisions of the preceding section, of such sums as may be determined and certified by the said board of education to be necessary or proper for any or all of the following purposes: 1st. To purchase, lease or improve sites for school houses. 2d. To build, purchase, lease, enlarge, alter, improve and repair school houses and their out-houses and appurtenances. 3d. To purchase, exchange, improve and repair school apparatus, books, furniture and appendages; but the power herein granted shall not be deemed to include the furnishing of class or text books for any pupils whose parents or guardians shall be able to furnish the same. 4th. To procure fuel and defray the contingent expenses of the public schools. 5th. To pay the wages of teachers due after the application of the public moneys, which may by law be appropriated and provided for that purpose: *provided*, nevertheless, that no tax shall be levied for such purpose oftener than once in each year: *and provided also*, that the amount to be raised for teachers' wages and contingent expenses in any one year shall in no case exceed six dollars for each person that draws public money in said school district, nor less than two dollars; that the amount to be raised in any one year, excepting the first, for buying sites, and erecting and building school houses and the appurtenances, shall not exceed one thousand dollars.

**Application of same.**

**Tax per capita for teachers' wages.**

SECTION 10. The board of supervisors of the town of Ripon shall have the power and it shall be its duty to raise from time to time, by tax upon the real and personal estate within the territorial limits of said union school district within said town, which shall be liable to taxation for the ordinary town taxes or for the town or county charges, in addition to the amount of school moneys now or hereafter appropriated or provided by law for public schools in said district, such proportion as arrived at under the provisions of the preceding section, of such sums as may be determined and certified by the said board of education to be necessary or proper for any or all of the foregoing purposes.

**Tax to be raised by town board.**

SECTION 11. The common council shall cause the tax or taxes herein provided for (to be raised by tax upon the real and personal estate in said union school district in said city) to be levied and collected annually on all such real and personal property or capital of any kind within said district in said city, as is subject to taxation by the laws for levying taxes for the state for

**Duty of common council and town board.**

the time being; said taxes to be levied and collected in the same manner as usual taxes are levied and collected in said city; and the board of supervisors of the town of Ripon shall cause the tax or taxes herein provided for (to be raised by tax upon the real and personal estate is said union school district in said town) to be levied and collected annually on all such real and personal property or capital of any kind within said district in said town, as is subject to taxation by the laws for levying taxes for the state for the time being; said taxes to be levied and collected in the same manner as usual taxes are levied and collected is said town; and no tax shall be levied on the property of said union school district to pay any part of the compensation or allowance of the county superintendent of schools.

**Power and duty of city treasurer.**

SECTION 12. All moneys to be raised pursuant to the provisions of this act, and all school moneys by law appropriated to or provided for said union school district, shall be paid to the treasurer of said city of Ripon, who, together with the sureties of his official bond, shall be accountable therefor in the same manner as for other moneys of said city. The said treasurer shall also be liable to the same penalties for any official misconduct in relation to said moneys as for any similar misconduct in relation to the other moneys of the city.

**Remedy for default of city treasurer.**

SECTION 13. The said board may cause a suit or suits to be prosecuted in the name of the said union school district, upon the official bond of the treasurer or any collector of said city, for any default, delinquency or official misconduct in relation to the collection, safe keeping or payments of any moneys in this act mentioned.

**Powers and duties of board of education.**

SECTION 14. The board of education shall have power and it shall be its duty: 1st. To establish and and organize such schools in said union school district as it may deem expedient and necessary, and in its discretion to discontinue the same. 2d. To purchase or lease school houses or lots or sites for school houses, and to improve the same as it may deem proper, upon such lots and upon any sites now or hereafter owned by said union school district, to build, enlarge, improve and repair school houses, out houses and their appurtenances, as it may deem proper: provided no purchase of school house sites or real estate shall be made without the approval of the common council. 3d. To purchase, exchange, repair or improve school apparatus,

furniture, books for indigent pupils, and to provide fuel for the schools and to defray their contingent expenses. 4th. To employ and contract with all teachers in the public schools, to whom the necessary certificates may have been given by the superintendent, and at its pleasure to remove them: provided that no contract for the employment of teachers shall extend beyond the first day of July next succeeding the date of such contract; to have in all respects the supervision and management of the public schools in said district, and from time to time to make, alter, modify and repeal, as it may deem expedient, rules and regulations for their organization, government and instruction, for the reception of pupils from other districts and the transfer of pupils from one department to another, and generally for their good order and utility. 5th. To make such orders and regulations in regard the the examination of teachers as it may deem proper, and in accordance with law, provided that such examination shall be conducted by the supperintendent or in his presence, and none but the superintendent shall be authorized to issue and give certificates of qualification. 6th. To take proper care, control and charge of all the school property of said union school district.

**Board subject to rules made by state superintendent.**

SECTION 15. The said board shall be subject from time to time to the rules and regulations made by the state superintendent of public schools, as far as the same may be applicable to them, and not inconsistent with the provisions of this act.

**Examination of teachers.**

SECTION 16. The superintendent of schools shall examine all teachers making application for schools as said board may direct, examination to be public and in the presence of the board; shall grant certificates to said persons so examined, as shall be found by him suitably qualified, and shall carry into effect the ordinances of the common council, and the rules and regu lations of the board in reference to the public schools In addition to the foregoing duties, he shall visit the public schools of the city as the board may direct, report their condition to the board, with such suggestions for their improvement as he may deem proper. He shall also perform such other duties with respect to such schools as the board may assign to him. The amount of his compensation shall be determined by the school board, and shall not exceed one hundred dollars per annum.

**Clerk's report.**

SECTION 17. It shall be the duty of the clerk of such board to make the reports required by law to the

state superintendent and to the clerk of the board of supervisors of the county.

Powers and duties of common council.

SECTION 18. The city counsel of said city shall have the power, and it shall be its duty, to pass such ordinances and regulations as the board of education may report as necessary and proper for the protection, safe keeping, care and preservation of the school houses, lots, sites and appurtenances, and all necessary property belonging to and connected with the schools in said district, and to impose proper penalties for the violation thereof, subject to the restrictions and limitations contained in the act of incorporation of said city; and all such penalties shall be collected in the same manner that the penalties for a violation of the city ordinances are by law collected, and when collected shall be paid to the treasurer of the city, and be subject to the order of the board of education in the same manner as other moneys raised pursuant to the provisions of this act.

Title to vest in union school district.

SECTION 19. The title and ownership of the school houses, sites, lots, furniture, books, apparatus and appurtenances, and all papers, evidences of title, records and all other property in this act mentioned or in any manner used for school purposes within the limits of said union school district, and heretofore owned or used by either of said districts numbers two and five, shall be vested in said union school district, and the same, while used or appropriated for school purposes, shall not be levied upon or sold by virtue of any warrant or execution, nor be subject to taxation for any purpose whatever.

Payment of money.

SECTION 20. All moneys required to be raised by virtue of this act, or, being raised as herein provided, shall be held by the treasurer of said city, and by him placed to the credit of said board of education, and shall be drawn out only in pursuance of a resolution or resolutions of said board, by drafts drawn by the superintendent and countersigned by the president of said board, payable to the person or persons entitled to receive such moneys, and the said treasurer shall keep the funds, authorized by this act to be received by him, separate and distinct from any other fund that he is or may by law be authorized to receive.

Notification of election.

SECTION 21. It shall be the duty of the clerk of the city, immediately after the election of any person as commissioner of public schools, personally to notify him of his election, and if any such person shall not, within ten days after receiving such personal notice of his election, take and subscribe the constitutional oath

and file the same with the clerk of said city, the common council may consider it a refusal to serve, and proceed to supply the vacancy occasioned by such refusal.

Qualification of commissioner.

SECTION 22. No person in said union school district in the city of Ripon, engaged in teaching any of the public schools therein, shall be eligible to the office of commissioner of public schools or superintendent of schools, and no member of the board of education shall be employed to teach any of the public schools of said district.

Acts legalized.

SECTION 23. The action of the school meeting had in said school district number five, on the sixteenth day of February, 1881, in voting a tax of seven hundred dollars on the property of said district and to pay the sum of eleven hundred dollars by said district to the treasurer of district number two, on account of the union of said district number five with said district number two, which is done by the provisions of this act, is hereby in all respects made legal and binding upon the said district number five, and on or before the second Monday in July, 1881, the said district number five shall pay to the treasurer of the city of Ripon the sum of four hundred dollars, and the balance of said eleven hundred dollars shall be levied and collected upon the real and personal property in said district number five as constituted before the passage and publication of this act, in the same manner as the school moneys of said district number five were levied and collected the past year. Said seven hundred dollars, so levied and collected, to be in addition to the proportion of the tax thereon to be raised by the other provisions of this act, and when so collected by the treasurer of the said city, the same, together with said four hundred dollars, to belong to the school fund of said union school district.

Existing contracts not affected.

SECTION 24. The provisions of this act shall not affect the contracts made or the liabilities assumed by either of said districts prior hereto; and at the end of the present school year, the treasurer of each said school district shall pay over to the said city treasurer all moneys in his hands after settling up all demands against him properly chargeable to said districts on account of any contracts or liabilities heretofore by said districts made or assumed, the same to be by said city treasurer placed to the credit of said board of education, and for school purposes; and it is further provided that the balance of the moneys on hand belonging

to said union school districts, derived from insurance on buildings lately burned in said district number two, and from said amount paid by said district number five, after the close of the present school year, may be used by the board of education toward the construction of a public school building upon lots thirty-nine and forty of the southwest quarter of section twenty-one, in said city of Ripon, and an additional amount of money may be raised upon the real and personal property of said union school district the present year, in the manner provided in this act, for the purpose of constructing said public school building, which, together with the said insurance balance and said amount so paid by said district number five, money in hand, shall not exceed the sum of ten thousand dollars.

Public act.

SECTION 25. All acts or parts of acts or amendments thereof of the general law of this state, or as comprised in the charter of the city of Ripon, conflicting with any of the provisions of this act, shall be hereafter inoperative so far as relates to said union school district of the city of Ripon. This act shall be considered a public act, and shall be construed favorably in all courts and places, and shall take effect and be in force from after its passage and publication.

Approved March 16, 1881.

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[No. 229, A.] [Published March 19, 1881.]

## CHAPTER 99.

AN ACT to amend section two thousand three hundred and forty-five, of the revised statutes, giving married women the right to sue and maintain an action.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

May sue in her own name as to her sole property.

SECTION 1. Section two thousand three hundred and forty-five of chapter one hundred and eight of the revised statutes, is hereby amended by adding thereto the following: "And any married woman may bring and maintain an action in her own name for any injury to her person or character the same as if she were sole, and any judgment recorded in such action shall be the separate property and estate of such married woman, provided that nothing herein contained shall affect the right of the husband to maintain a separate action for any such injuries as now provided by law.

SECTION 2. All acts and parts of acts conflicting with the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1881.

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[No. 441, A.] [Published March 21, 1881.]

## CHAPTER 100.

**AN ACT to amend sections one thousand five hundred and seventy, one thousand five hundred and seventy-five and one thousand five hundred and seventy-six, of the revised statutes of 1878, relating to hawkers and peddlers.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one thousand five hundred and seventy of the revised statutes, is hereby amended so as to read as follows: Section 1570. No person shall be allowed to travel from place to place within this state for the purpose of carrying to sell or exposing to sale, barter or exchange at retail or to consumers, any goods, wares, merchandise, notions, or other articles of trade whatsoever, whether by sample or otherwise, and whether said goods, wares, merchandise, notions, or other articles of trade whatsoever, are delivered at time of sale or to be delivered at some future day, unless he shall have obtained a license as a peddler as herein provided, but this chapter shall not prevent any manufacturer, mechanic, nurseryman or farmer from selling his work or production by himself, or any patent right dealer from selling his own invention, or to prevent any person from selling or offering to sell at wholesale or to dealers only, any goods, wares, or merchandise whatever, or to prevent any fish peddlers from selling fish, or train boys from selling to persons traveling on railroad trains, or to prevent any resident of this state, who by reason of being blind, deaf and dumb, or so so crippled as to incapacitate him for hard manual labor, from selling goods, wares or merchandise on foot, or with one horse and wagon, without a license. **Persons required to take out license.**

SECTION 2. Section one thousand five hundred and seventy-five of the revised statutes, is hereby amended so as to read as follows: Section 1575. The secretary of state upon the payment of his fees shall grant to every such applicant, upon the filing of his application and the receipt of the treasurer showing the payment of the proper license fees, a license under his official seal, signed by himself or his assistant, authorizing such licensee to travel and prosecute business in the manner **Duty of secretary of state.**

License to run one year.

stated in his application, for the term of one year; but all licenses shall expire on the thirtieth day of April in each year, and the amount due for licenses of peddlers and patent right dealers shall be reckoned proportionately for that part of the year from the first day of the month in which the liability is incurred to the first day of May following, provided the secretary of state may issue a like license to any applicant therefor to peddle on foot, or with one horse, or to deal in patent rights, who shall prove to his satisfaction that he served as a soldier in the United States army or navy, or in the quartermaster's or commissary's department thereof, during the late rebellion, and was so disabled as to render him unfit for hard manual labor, in such service, and honorably discharged therefrom, without the payment of any license fees.

Disabled soldiers and sailors exempt from license.

Penalty for violation.

SECTION 3. Section one thousand five hundred and seventy-six, is hereby amended so as to read as follows: Section 1576. Every person who shall be found traveling or trading contrary to the provisions of chapter sixty-seven of the revised statutes, or to the terms of any license that may have been granted to him thereunder, shall, for each offense, forfeit not less than fifty nor more than one hundred dollars, which the district attorney of the county in which the offense had been committed, shall, in the name of the state, sue for, and cause to be collected, and when collected, paid into the state treasury to the credit of the school fund. The court may order to be paid such district attorney, out of such fines collected from persons guilty of such offense, a sum not exceeding fifteen per cent., and to the witnesses or other persons furnishing information of such offenses, a sum not exceeding ten per cent. of such fines collected. Every person having a license under the provisions of chapter sixty-seven of the revised statutes, who shall refuse to produce his license for examination when lawfully required by the treasury agent, or any special treasury agent, shall be deemed guilty of a misdemeanor, and be subject to a fine not exceeding twenty dollars, or imprisonment in the county jail, where the offense has been committed, not exceeding thirty days, or both, as the court deems proper.

SECTION 4. All acts and parts of acts conflicting with the provisions of this act, are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after May 1, 1881.

Approved March 17, 1881.

[No. 226, A.] [Published March 21, 1881.]

## CHAPTER 101.

AN ACT to amend section three hundred and thirty-one of chapter twenty of the revised statutes of 1878, entitled "of public printing."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Publishers of daily papers entitled to compensation for publishing laws.

SECTION 1. Section three hundred and thirty-one of chapter twenty of the revised statutes of 1878, is hereby amended by inserting in the first line in said section after the words "of weekly," the words "or daily," so that said section will read as follows: Section 331. All publishers of weekly or daily newspapers having a bona fide circulation and subscription of not less than two hundred names, and which shall have been regularly published for three months prior to the opening of the annual session of the legislature, who shall publish in their respective newspapers all of the public acts of general interest, passed at any annual session of the legislature, which shall be designated by the secretary of state in the official state paper as copy laws, shall be allowed sixty dollars for such publication, upon filing satisfactory evidence, by affidavit, with the secretary of state, that the same have been published as provided in this section, which amount shall be paid out of the state treasury, provided that such publishers shall not receive compensation for such publication in both daily and weekly.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 17, 1881.

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[No. 193, A.] [Published March 19, 1881.]

## CHAPTER 102.

AN ACT authorizing the common council of the city of Portage to construct a sidewalk to Silver Lake cemetrey.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Sidewalk from Cass street to Silver Lake cemetery.

SECTION 1. The common council of the city of Portage is hereby authorized to provide for the construction and maintenance of a sidewalk of such width and material, and in such manner as it may deem best, from Cass street to Silver Lake cemetery, and to provide for the payment therefor from the general fund of the city.

cient in legal proceedings

or proceedings for the assessment and collection of taxes, and proceedings founded thereon, as well heretofore as hereafter, any description by number, as provided in the preceding section, shall be sufficient, and shall be held to include and be a part of the description of the same lot or parcel of land, written at length upon the assessor's book.

City maps to be kept and corrected annually.

SECTION 7. A map of the city of Oconto, upon which every lot or parcel of land in said city shall be correctly drawn and designated, shall be kept in the office of the city clerk. And a duplicate copy of said map upon tracing vellum, or other map paper, shall (or may) be kept in the office of register of deeds, and said map (or maps) shall be written up and corrected annually, so as to correspond with the assessor's book, and shall be a public record, in connection with, and a part of, the records of assessment and taxation in said city.

Description provided for in section five, to be legal and binding.

SECTION 8. Any conveyance, or instrument in writing by which any estate, or interest in real estate in the city of Oconto is created, aliened, mortgaged, or assigned, or by which the title to any real estate in said city may be affected in law or equity, describing such real estate or interest therein, by number as provided in section five of this act, shall be legal and binding in all respects as if described by metes and bounds.

SECTION 9. This act shall be in force from and after its passage and publication.

Approved March 17, 1881.

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[No. 294, A.] [Published March 19, 1881.]

## CHAPTER 106.

AN ACT to authorize the town of Fredonia, in the county of Ozaukee, in the state of Wisconsin, to raise a special tax for the building and erection of a bridge across the Milwaukee river.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Question of raising money to build bridge to be submitted to vote of electors.

SECTION 1. The town of Fredonia, in the county of Ozaukee, in the state of Wisconsin, is hereby authorized to raise by a vote of the majority of the qualified electors of said town, a certain sum of money, to be appropriated for the purpose of defraying one-half of the costs for the erection of a bridge across the Milwaukee river, on the section line between sections twenty-five (25) and thirty-six (36), in township number twelve

(12), north, of range number twenty (20), east, in the town of Farmington, county of Washington, in the state of Wisconsin.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1881.

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[No. 309, A.] [Published March 19, 1881.]

## CHAPTER 107.

AN ACT to facilitate elections in certain cases.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Division of towns into election districts.

SECTION 1. The supervisors of every town within this state, in which at the general election in the year 1880, one thousand or more votes were cast, shall, within three months after the passage and publication of this act, divide said town into two or more election districts, as nearly equal in population as the convenience of the electors will permit, and thereafter at every general election or special election for national, state or county officers, polls shall be opened and elections held in each of said districts as provided by law in towns constituting but one election district. The division herein provided for shall be made by said supervisors by their order in writing, specifying the boundaries of such districts and the places where at the first election thereafter the polls shall be held therein, due consideration being had for the greatest convenience of the electors, and the persons who shall act as inspectors at said polls if present; such order shall be filed in the office of the town clerk, within ten days after it is made, and copies thereof shall be posted up in at least five public places in said town, and a copy thereof filed with the county clerk. Such order shall continue and be in force for succeeding elections, provided, however, that the supervisors may, by their order in writing, for good cause, change and modify the boundaries of such districts from time to time, but every such order shall be filed and posted as herein required: and provided further, that the electors present at any general election may, by their viva voce vote, fix the place for holding the next and all subsequent elections, and may designate who shall act as inspectors.

Fixing place for holding elections.

Number of votes to entitle to division.

SECTION 2. In case any town constituting a single election precinct shall, at any future election, cast one

thousand or more votes, such town shall be divided into two or more election precinct districts, prior to the next succeeding general election, and in the manner prescribed in section one of this act.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1881.

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[No. 335, A.] [Published March 21, 1881.]

## CHAPTER 108.

AN ACT providing for the collection and disposal of highway taxes in certain cases.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Relating to street and poll tax.

SECTION 1. Every village within this state which has a population of twenty-five hundred or more, as shown by the census of 1880, and which does not by the provisions of its charter constitute a separate road district, shall be taken as embraced within the provisions of sections nine hundred and ten and nine hundred and eleven of the revised statutes, and said sections shall be in full force in such village, any provisions of its charter to the contrary.

Expenditure of tax.

SECTION 2. All moneys collected as provided in said sections shall be expended in the improvement of the streets, the making and improvement of sidewalks and crosswalks, and setting out shade and ornamental trees in such village; and if such moneys shall, in the opinion of the board, be insufficient for such purposes, it shall determine what additional amount may be sufficient therefor; not exceeding seven mills nor less than one mill on the dollar of assessed valuation of property in said village; and the same shall be certified, levied, caused to be collected and returned in the manner prescribed in the charter of such village for the certification, levying, collection and return of taxes. All moneys so collected shall be paid to the treasurer of such village, and shall be expended under the direction of the board of trustees in the manner prescribed in the first section of this act. Such board may expend or lay out on the highways, or any of them, leading into such village, a sum not exceeding one-half the whole amount collected for highway purposes in any one year.

Additional tax.

This act not to repeal or contravene pro-

SECTION 3. No provisions of this act shall be taken as contravening or repealing the provisions of the char-

ter of any such village, for levying and collecting other taxes than for highway purposes. visions of village charter.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1881.

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[No. 381, A.] [Published March 21, 1881.]

## CHAPTER 109.

AN ACT to legalize the action of the board of supervisors of Wood county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The proceeding of the county board of supervisors of Wood county, at the meeting of said board held on the thirty-first day of December, 1880, are hereby legalized in all respects, and declared to be as valid and binding as if such meeting had been regularly called. Legalized.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1881.

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[No. 388, A.] [Published March 19, 1881.]

## CHAPTER 110.

AN ACT to provide for more light on various subjects.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The governor is hereby authorized and directed to negotiate with manufacturers of machines for producing electric light, respecting the practicability and cost of lighting the senate and assembly chambers and the dome of the capitol building with the electric light, and he is authorized to permit any of such manufacturers to set up their machines and lamps and experiment respecting such lighting, and may permit such machines and lamps to remain in order for working until the meeting of the next legislature, so that that body may see the light and determine by practical experiments the cost of the light and its efficiency: provided, however, that the governor shall not have power to bind the state to purchase any such machine or lamp, nor shall he make any contract or do any act which shall in any way make the state liable to pay any money, directly or indirectly, on account of Experiments in electric light authorized.

any such machines, lamps or experiments, but he may allow the engines and machinery belonging to the state to be used to propel the said machines.

SECTION 2. The governor shall report to the next legislature all steps that may be taken by him in pursuance of the provisions hereof.

Approved March 17, 1881.

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[No. 392, A.] [Published March 19, 1881.]

## CHAPTER 111.

AN ACT to authorize the city of Columbus to issue bonds to build a school house in said city.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Indebtedness of $6,000 authorized.

SECTION 1. The common council of the city of Columbus shall have power, and it is hereby authorized, to borrow an amount of money not exceeding the sum of six thousand dollars, for the purpose of defraying the expenses of building a school house in said city; and the said common council shall have power, and it is hereby authorized, to issue the bonds of said city to an amount not exceeding six thousand dollars, for said loan. Said bonds shall be known and called "school house bonds," and shall be in such form, in such amount, payable at such times, not exceeding five years from the date of issue, to such persons, and bearing such a rate of interest, not exceeding the rate of seven per centum per annum, as the common council of said city shall by ordinance or resolution direct, and such bonds shall be issued, held and used, and the proceeds thereof applied for the purpose of building and furnishing a school house in said city, and for no other purpose.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1881.

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[No. 399, A.] [Published March 19, 1881.]

## CHAPTER 112.

AN ACT to authorize any town, village or city to take, hold and invest funds to be used in embellishing cemeteries.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Use of revenue derived from

SECTION 1. Any town, village or city in this state owning land used exclusively for cemetery purposes,

may take and hold in trust, and loan, invest or otherwise dispose of according to the trust, money or other property, for the purpose of expending the income derived therefrom, or the proceeds thereof, in embellishing and keeping in good order such lot or lots and the adjacent walks and drives in its cemetery, as the donor may designate. money or other property.

SECTION 2. The supervisors of any such town, the president of any such village, and the mayor and common council of any such city, may appoint a commissioner of any such trust fund or funds, and require such commissioner to give bond to said town, village or city, in such sum, with such sureties as the supervisors, president or mayor and common council may designate and approve, and may at any time when deemed advisable, require such bond to be increased in amount, and may require additional sureties, which bond shall be conditioned for the faithful discharge of the trust reposed, and to invest, hold, account for and pay over to his successor in office, such fund or funds, and the increase thereof. Appointment of commissioners.

SECTION 3. Such commissioner shall hold his office until his successor shall be appointed and qualified. Term of office.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1881.

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[No. 438, A.] [Published March 19, 1881.]

## CHAPTER 113.

AN ACT to extend the time for proving and filing claims against the Wisconsin railroad farm mortgage land company.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The time for proving and filing claims against the Wisconsin railroad farm mortgage land company is hereby extended to the first day of October, A. D. 1882. Time extended.

Approved March 17, 1881.

[No. 472, A.] [Published March 19, 1881.]

## CHAPTER 114.

**AN ACT to amend section two of sub-chapter two, and sections three and thirteen of sub-chapter three of chapter forty-seven of the general laws of Wisconsin for the year 1876, entitled an act to codify, consolidate and amend the act to incorporate the city of Appleton, and the several acts amendatory thereof.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Elective officers.

SECTION 1. Section two of sub-chapter two of said chapter forty-seven, is hereby amended so as to read as follows: The elective officers of said city shall be a mayor, a treasurer, an attorney, a clerk, and three assessors, to be chosen from the city at large. Said assessors, at the first election after the passage of this act, shall be elected as follows: one assessor for the term of one year, one assessor for the term of two years, and one assessor for the term of three years; and one assessor shall be elected annually thereafter, whose term of office shall be three years, and their salaries shall not exceed the sum of three hundred dollars each, in lieu of all other compensation. Two aldermen and one county supervisor shall be elected in each ward, at the annual city election to be held on the first Tuesday of April, 1876. A justice of the peace shall be elected by the qualified voters of each of the following districts, viz.: The first ward shall elect one justice of the peace, the second and sixth wards shall elect one justice of the peace, the third and fifth wards shall elect one justice of the peace, the fourth ward shall elect one justice of the peace. The justices of the peace of said city now in office shall be and remain in office until the second Tuesday in April, 1876, and until their successors are elected and qualified. Vacancies in the office of justice of the peace may be filled by appointment by the the common council, to hold office for the residue of the term to which they are appointed. The appointive officers of said city shall consist of a marshal, street commissioner, city surveyor, commissioner of the poor, city physician, and a pound keeper or keepers, and all other officers necessary for the proper management of the affairs of said city, to be appointed by the common council. All elective officers, except justices of the peace and aldermen, shall, unless otherwise provided by law, hold their respective offices for one year, and until their successors are elected and qualified; and justices of the peace

Assessors.

Aldermen and supervisors.

Justice of the peace.

Appointive officers.

and aldermen shall each hold office for two years, and until their successors are chosen and qualified: provided, however, the common council shall have power, for due cause, and after opportunity for a fair hearing, to expel any of its own number, and to remove from office any officer or agent under the city government, except justice of the peace, written notices being first given to the officer complained of, to appear before the common council and answer to the complaint made.

Removal from office.

SECTION 2. Section three of sub-chapter three of said chapter forty-seven, is hereby amended so as to read as follows: Section 3. At the first meeting of the common council in each corporate year, it shall proceed to elect by ballot one of its number president, and in the absence of the mayor from the city, or his inability for any reason to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the mayor. In case the mayor and president shall both be absent at any meeting of the common council, that body shall proceed to elect a temporary presiding officer, who, for the time being, shall discharge all the duties of mayor. The president or temporary presiding officer, while discharging any of the duties of mayor, shall be styled acting mayor, and acts performed by them or either of them, in such capacity, shall have the same force and validity as if performed by the mayor. The common council at its first or second meeting after the charter election in each year, shall regulate by ordinance, the time of appointing city surveyors, and such other officers as it may deem necessary; and all the appointed officers herein named shall hold office for one year, and until their successors are chosen and qualified. The common council shall, by resolution, fix the salary or fees of all officers of the city, at the first regular meeting in March of each year: provided that the present common council may fix the salaries of officers for the coming corporate year, at any meeting during the month of March, 1876, and no salary shall be increased or diminished during the term of office of any officer, and such salary or fees shall neither be increased or diminished during the corporate year in which such resolution may be adopted. The common council at its first meeting in each year, or as soon thereafter as may be, shall order the city clerk to advertise for proposals from the publishers of weekly newspapers printed in said city, for all the printing and publication necessary to be done by the city, except as otherwise provided herein, and said print-

President of council.

Temporary presiding officer.

City surveyor.

Salaries.

Proposals for printing.

ing and publication shall be let to the lowest responsible bidder, who shall be styled the city printer, the same to be the publisher of some weekly newspaper, which has been published in the English language in said city, for at least two years prior to such letting; and in case of bids being alike, the common council shall designate which paper shall receive the contract, and all affidavits and verifications of the fact of publication of any notice, ordinance, by-law, or resolution, may be made by any person doing such printing, or by the foreman in the office in which such printing may have been done, and such affidavits shall be read in evidence in the same manner and shall in all respects have the same force and effect as if made by the city printer; and no appropriation of money shall be made for any printing or publishing unless the same shall be let by contract as herein provided.

**Aldermen not to be parties to contract or jobs.**

SECTION 3. Section thirteen of sub-chapter three of said chapter forty-seven, is hereby amended so as to read as follows: Section 13. No alderman shall be a party to, or interested in any job or contract with the city, and any contract in which any alderman may be so interested, shall be null and void, and in case any money shall have been paid on such contract, the common council shall sue for and recover the amount so paid from the parties to such contract, and the alderman interested in the same. A reasonable compensation shall be allowed to the mayor and aldermen for their services in that capacity, and for their services as inspectors of elections, and board of health, but not otherwise. The senior alderman of each ward shall be ex-officio a member of the county board of supervisors of the county of Outagamie, whenever there shall be a vacancy in the office, or of disability on the part of the county supervisors thereof.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1881.

[No. 486, A.] [Published March 19, 1881.]

## CHAPTER 115.

AN ACT to authorize the school land commissioners to convey certain lands to the Sturgeon Bay and Lake Michigan ship canal and harbor company.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Balance of seven-eighths of grant to be conferred upon company.

SECTION 1. The commissioners of public lands are hereby authorized to convey to the Sturgeon Bay and Lake Michigan ship canal and harbor company, from the grant of land conferred upon said company by chapter one hundred and five, general laws of 1868, one-half of the last quarter which will be due said company upon the completion of said canal. And only so much of the lands not yet received by the company shall be conveyed to said company as shall, added to what has already been received by it, amount to seven-eighths of the whole grant in value; leaving in the hands and under the control of the state one full eighth of the value of the lands included in said grant, according to the best judgment and information of the governor and said commissioners.

SECTION 2. All acts conflicting with the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1881.

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[No. 515, A.] [Published March 19, 1881.]

## CHAPTER 116.

AN ACT to change the boundaries of certain towns in Lincoln county and to organize two new towns therein, also to change the name of the town of Jenny to that of Merrill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Scott.

SECTION 1. The south half of township number thirty-one (31), and the south half of sections thirteen (13), fourteen (14) and fifteen (15), and the northwest quarter of said township thirty-one (31), north of range six (6) east, and sections nineteen (19), thirty (30) and thirty-one (31), of township thirty-one (31), range seven (7) east; also the west one-half of township thirty-two (32), north of range six (6) east; and the east half of townships thirty-two (32), thirty-three (33), thirty-four (34), thirty-five (35) and thirty-six (36) and all of

thirty-seven (37) and thirty-eight (38) north, of range five (5) east, shall constitute and be known as the town of Scott. The town of Scott shall hold its first meeting at the school house near the northwest quarter of section thirty-five (35), township thirty-one (31), range six (6) east, on the first Tuesday of April, 1881, and shall there and then fully organize pursuant to the general laws of this state. No notice of such first meeting of the town of Scott shall be required except that given by the passage of this act.

Town meeting.

Corning.

SECTION 2. Townships thirty-one (31), thirty-two (32), thirty-three (33), thirty-four (34), thirty-five (35), thirty-six (36) and thirty-seven (37), range four (4) east, and township thirty-one (31), range five (5) east, and the west half of townships thirty-two (32), thirty-three (33), thirty-four (34), thirty-five (35) and thirty-six (36) north, of range five (5) east, shall constitute and be known as the town of Corning.

Ackley.

SECTION 3. The east half of townships thirty-one (31) and thirty-two (32) north, of range nine (9) east, and townships thirty-one (31), thirty-two (32), thirty-three (33), thirty-four (34), thirty-five (35), thirty-six (36), thirty-seven (37), thirty-eight (38), thirty-nine (39), forty (40), forty-one (41), forty-two (42) and forty-three (43) north, of range number ten (10) east, shall constitute and be known as the town of Ackley.

Pine River.

SECTION 4. The east half of township thirty-one (31) north, of range seven (7) east, and township thirty-one (31), range eight (8) east, and west one-half township thirty-one (31), range nine (9) east, and sections thirty-six (36) and twenty-five (25), township thirty-two (32), range seven (7) east, and township thirty-two (32) range eight (8) east, and the west one-half township thirty-two (32) range nine (9) east, and the east one-half of township thirty-three (33), range nine (9) east, and sections four (4), nine (9), sixteen (16), twenty-one (21), twenty-eight (28), thirty-three (33), of township thirty-three (33), range nine (9) east, and sections one (1), two (2), eleven (11), twelve (12), thirteen (13), fourteen (14), twenty-three (23), twenty-four (24), twenty-five (25), twenty-six (26), thirty-five (35), thirty-six (36), of township thirty-four (34), range nine (9) east, and sections one (1), two (2), eleven (11), twelve (12), thirteen (13), fourteen (14), twenty-three (23), twenty-four (24), twenty-five (25), twenty-six (26), thirty-five (35), and thirty-six (36), of township thirty-five (35), range nine (9) east, and the east one-half of townships thirty-six (36), thirty-seven (37), and all of

townships thirty-eight (38), thirty-nine (39), forty (40), forty-one (41), forty-two (42), and forty-three (43) north, of range nine (9) east, shall constitute and be known as the town of Pine River.

SECTION 5. Townships thirty-three (33), thirty-four (34), thirty-five (35), thirty-six (36), thirty-seven (37), thirty-eight (38), thirty-nine (39) north, of range six (6) east, and the west half of township number thirty-five (35) north, of range seven (7) east, and townships number thirty-nine (39), forty (40), and forty-one (41) north, of range number five (5) east, and townships number thirty-eight (38), thirty-nine (39), forty (40) and forty-one (41) north, of range four (4) east, and township number forty-one (41) north, of range three (3) east, and townships number forty-one (41), forty-two (42), forty-three (43), forty-four (44), forty-five (45), forty-six (46) and forty-seven (47) north, of range two (2) east, shall constitute and be known as the town of Rock Falls. Rock Falls.

SECTION 6. All the remaining territory embraced within the county of Lincoln, and not enumerated in the above subdivision of towns, shall constitute and be known as the town of Merrill. Merrill.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1881.

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[No. 372, A.] [Published March 21, 1881.]

## CHAPTER 117.

**AN ACT for the preservation of fish in Polk county.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. No person shall place, set, draw or use any seine, net, pound or gill net, drag net, set hook and line, or spear, or use any other device for taking, catching or killing fish in the waters of North Fish lake, South Fish lake, or Babcock's lake, in township number thirty-two (32), of range number seventeen (17) west, in the town of Alden, in the county of Polk, provided, however, that nothing in this act shall prevent or prohibit, in any manner, the taking or catching of fish by means of hook and line in the months of May, June, July, August, September and October, in each year. Lakes where taking of fish is unlawful.

SECTION 2. Any person who shall violate any of the foregoing provisions of this act, shall, on conviction thereof, be deemed guilty of a misdemeanor, and be Penalty for violation.

fined not less than five nor more than twenty-five dollars, with costs of prosecution.

Justice of the peace to have jurisdiction.

SECTION 3. Any justice of the peace of said county of Polk shall have jurisdiction to hear, try and determine any complaints made for a violation of any of the provisions of this act.

SECTION 4. This act shall take effect and be in force from and after the first day of May, A. D. 1881.

Approved March 18, 1881.

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[No. 339, A.] [Published March 21, 1881.]

## CHAPTER 118.

AN ACT to amend section one thousand three hundred and sixty-three of the revised statutes, entitled of drains and how maintained.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Supervisors may order additional bulkhead.

SECTION 1. Section one thousand three hundred and sixty-three, of the revised statutes, is hereby amended by adding thereto the following: In case the supervisors in laying out a drain or ditch under the provisions of this chapter, or after such drain or ditch having been laid out, upon a subsequent application for a gate or bulkhead, and proceedings had on such application in the same manner as prescribed for laying out a drain, shall deem it for the benefit of the persons interested, that the lands drained or to be drained by such ditch, shall at a certain season of the year be overflowed, they may order a gate or bulkhead to be erected at one or more places in the drain or ditch, designating such places, and that such gate or bulkhead be kept closed during a certain season of each year, designating such season.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1881.

[No. 281, A.] [Published March 22, 1881.]

## CHAPTER 119.

AN ACT to amend chapter one hundred and fifty-eight of the laws of 1880, entitled an act to amend section one thousand three hundred and ninety of chapter fifty-five of the revised statutes of 1878, by adding the words "wire" and "barbed wire" after the word "boards," in the second line of said section, "relating to fences."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one of chapter one hundred and fifty-eight of the laws of 1880, is hereby amended so as to read as follows: Section 1. All fences not less than fifty-four inches high, consisting of boards firmly fastened to posts well set, not more than nine feet apart, the space between the ground and bottom board and each space between the boards not more than eight inches; and all fences consisting of five barbed wires with at least forty barbs to the rod, firmly fastened to posts well set, not more than sixteen feet apart, with one good stay between the top wire not less than forty-eight inches high at the place of attachment, and the bottom wire not more than seven inches from the ground, and the space between the bottom and second wires not more than seven inches, and the space between the second and third wires, not more than eight inches, and the space between the third and fourth wires, not more than twelve inches, and the space between the fourth and top wires, not more than sixteen inches; the above mentioned spaces to be measured at the places of attachment; and all fences consisting of rails, timbers, wires, barbed wires, boards or stone walls, or any combination thereof, and all brooks, rivers, ponds, creeks, ditches or hedges or other things, which shall be considered equivalent to the board or barbed wire fence herein provided for, in the judgment of the fence viewers within whose jurisdiction the same may be, shall be deemed legal and sufficient fences. Fences on marsh lands may be made by a ditch, or by a fence combined with ditch or ditches, not exceeding twelve feet in width, equal amounts of material being taken from, or equal space occupied on each side of, the division line.

Legal fence.

Barbed wire fence.

Stone walls, ditches, hedges, etc.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1881

[No. 275, A.] [Published March 21, 1881.]

## CHAPTER 120.

AN ACT for the preservation of fish in Lake Ellen, situated in the county of Sheboygan.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Waters wherein fishing is unlawful.

SECTION 1. No person, or persons, shall take, catch or kill, with any net, seine, spear, hook, grapple, trap or line, or any devise whatever, fish of any kind, in Lake Ellen situated in the county of Sheboygan and state of Wisconsin, from the first day of March to the first day of June of any year. Any person violating the provisions of this section, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than five dollars, and not more than fifty, with costs of suit, or in lieu of such fine and costs, the court may in its discretion, upon such conviction, imprison the person so convicted in the county jail of the proper county, not exceeding thirty days.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1881.

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[No. 32, A.] [Published March 21, 1881.]

## CHAPTER 121.

AN ACT to amend chapter seventy-six of the revised statutes relating to weights and measures.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Standard weight of commodities sold by the bushel.

SECTION 1. Section one thousand six hundred and sixty-five, chapter seventy-six, of the revised statutes of Wisconsin, is hereby amended to read as follows: "Section 1665. Whenever either of the articles as commodities in this section mentioned shall be sold by the bushel, and no special agreement as to the measure or weight thereof shall be made by the parties, the measure thereof shall be ascertained by weight, and shall be computed as follows: sixty pounds for a bushel of wheat, clover seed, potatoes or beans; fifty-seven pounds for a bushel of green apples or onions; fifty-six pounds for a bushel of rutabagas, flax seed, rye or Indian corn shelled, and seventy pounds of Indian corn unshelled; fifty-five pounds for

a bushel of sweet potatoes; fifty pounds for a bushel of rape seed, millet seed, buckwheat, beets, carrots or green cucumbers; forty-eight pounds for a bushel of barley, Hungarian grass seed or corn meal; forty-five pounds for a bushel of timothy seed; forty-four pounds for a bushel of hemp seed or parsnips; forty-two pounds for a bushel of common flat turnips; thirty-four pounds for a bushel of barley malt; thirty-two pounds for a bushel of oats; twenty-eight pounds for a bushel of dried apples or dried peaches; and eighty pounds for a bushel of unslacked lime."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1881.

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[No. 218, A.] [Published March 21, 1881.]

## CHAPTER 122.

AN ACT to amend section one of chapter one hundred and sixty-six of the general laws of 1879, entitled "an act for the preservation of trout in the waters of Marathon and Sauk counties, Wisconsin."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one, of chapter one hundred and sixty-six, of the general laws of 1879, is hereby amended so as to read as follows: Section 1. It shall be unlawful for any person to catch, or take in any manner, prior to the first of May, 1883, any brook or speckled trout in any brook or stream within the borders of Marathon and Sauk counties, Wisconsin. Waters wherein fishing is unlawful.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1881.

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[No. 124, S.] [Published March 22, 1881.]

## CHAPTER 123.

AN ACT to amend an act entitled an act to revise, consolidate and amend the charter of the city of Racine, approved August 8, 1848, and the several acts amendatory thereof, approved March 11, 1876, and the several acts amendatory thereof.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section three, of title two, of chapter three hundred and thirteen, of the laws of 1876, as amended by chapter one hundred and eighty of the Amended.

laws of 1880, is hereby amended so that the same shall read as follows: Section 3. The mayor, city marshal, one alderman from each ward, one assessor, one justice of the peace and one supervisor from each ward, shall be elected at the annual municipal election, on the first Tuesday in April in each year. Said officers so elected shall enter upon the duties of their respective offices on the third Tuesday of April in the year of their election, and shall hold their respective offices for the term of one year and until their successors are elected and qualified, except justices of the peace and aldermen, who shall hold their respective offices for the term of two years and until their successors are elected and qualified, and assessors, who shall hold their offices for the term of three years and until their successors are elected and qualified. At the annual municipal election on the first Tuesday in April, 1880, there shall also be elected a city clerk who shall hold his office one year, and a city treasurer who shall hold his office two years and until the election and qualification of their respective successors; the term of each of said last named officers shall begin on the third Tuesday in April, 1880. After said municipal election of 1880, said clerk and treasurer shall each be elected biennially at the annual municipal election in alternate years, and shall hold their respective offices for two years and until the election and qualification of their respective successors.

Elective officers.

Terms of office.

Clerk and treasurer elected biennially.

SECTION 2. Title two of chapter three hundred and thirteen, of the laws of 1876, is hereby amended by adding at the end of the said title a new section, which shall read as follows: Section 17. All officers of said city, elected or appointed by the common council or appointed by the mayor for a full term, shall assume the duties of their respective offices on the first Tuesday after the second Monday in May in the year of their election or appointment. Said officers shall hold their said offices until the first Tuesday after the second Monday in May in the ensuing year, except the fire marshal who shall hold his office until the corresponding Tuesday in May in the second year after his election. All of said officers shall, however, hold their offices until the election and qualification of their successors. The term of office of all officers named in this section who are now in office, except the fire marshal, shall expire on the first Tuesday after the second Monday in May, 1881: provided, however, that said officers shall hold their offices until the election and

Commencement of term of office.

qualification of their respective successors. This section shall not be construed to abridge the powers of the council or mayor to suspend or remove any such officers in any case where such power is conferred by this charter or the ordinances of said city.

Water supply—hydrants, water-pipes, etc.

SECTION 3. Title six of said chapter three hundred and thirteen of the laws of 1876, as amended by chapter one hundred and eighty of the laws of 1880, is hereby amended by adding at the end of said title, six new sections which shall read as follows: Water supply. Section 30. The said common council shall have power to construct jets and fire hydrants for public use and fountains at such places in any of the streets, alleys and public grounds in said city, as the said common council may determine; said council shall also have power to lay water pipes in and through the public grounds, streets and alleys of said city, and to connect said pipes with any public artesian well or wells or waterworks in said city, also to connect said pipes with any artesian well or wells owned by private persons or corporations with whom the council may make contracts for the use of water. Said common council shall also have power to permit and allow private persons, firms and corporations, to tap or make connections with said water pipes and to use water therefrom, under such regulations as to the size and quality of service pipes, manner of connection and amount of water to be used, as the council may by ordinance or rules establish. Said council shall also have power to appoint agents or superintendents, from its own number, or otherwise, to carry into execution the powers granted by this section, and to provide by ordinance for the punishment by fines or penalties of any wrongful use of or injury to any artesian well owned by said city, or any of the pipes, hydrants, fountains or other property of said city in this section named. Section 31. The common council before laying water pipe along any street, alley or public place in said city, shall assess against the several lots, parts of lots or parcels of land which may front or abut on the proposed line of water pipe or which may be contiguous to and used in connection with any lot or parcel of land so fronting or abutting, the amounts which the said several lots, parts of lots or parcels of land may, in the judgment of the said council, be specially benefited by reason of laying such water pipe, not to exceed, however, the amount prescribed in the next section. Section 32. No lot, part of a lot or parcel of land shall

Value of benefits to be assessed against lots.

Assessment to exceed half the cost of laying water-pipes.

be assessed to an amount exceeding one-half of the the cost, as estimated by the council, of furnishing and laying a water pipe, with an inside diameter of four inches, along the front of such lot or parcel of land, corner lots or parcels of land which front or abut on more than one street on which a line of water pipe is proposed to be laid, may be assessed for each such line of water pipe, but the aggregate of the assessment therefor, against any such corner lot or parcel of land, shall be as nearly as may be in just proportion to the amounts assessed against other lots, as compared with the special benefits derived by them respectively from the laying of such water pipe. Section 33. Whenever any lot or parcel of land shall be subdivided by sale or contract, or by use or occupation, in severalty, whether such subdivision shall occur before or after the assessment of special benefits as herein provided, the common council may, after ascertaining such fact, at any time before the return of the delinquent tax list to the county treasurer, make an equitable apportionment of the benefit tax against such lot or parcel of land among the different subdivisions thereof. Section 34. The city clerk shall record all such assessments in the proceedings of the common council, and notice shall be given to all persons interested by the publication of a notice setting forth the assessments so made, in detail, in the official city paper, and by the service of such notice on all resident owners of the lands assessed, personally if to be found, and if not found, by leaving a copy of said notice at the last and usual place of abode of such owner. Such publication and service shall be made within ten days after such assessment shall have been made. Any person feeling aggrieved by such assessment against his property may, within twenty days after such publication of said notice, appeal therefrom to the circuit court of Racine county. Such appeal shall be made and conducted in like manner, and like security for costs shall be required, as provided by law in cases of appeals from the assessments of benefits and damages made upon the opening of streets and public grounds. No irregularity or defect in the proceedings shall affect the validity of any such assessment, providing that the notice named in this section shall have been duly published and served. *Such* appeal shall not hinder or delay any of the proceedings for the collection of such assessment so *appealed* from, but in case the appellant succeed, the difference between the assessment of the council and the *amount*

Assessment to be apportioned when lot is subdivided.

Recording and publication of assessment.

finally adjudged, shall be adjusted in like manner as provided in section nine of this title. Section 35. After the making of the said assessments, the common council shall let the work to the lowest responsible bidder, at least two weeks' notice of the receiving of such bids having been given in the official city paper; the common council may reject any and all bids if deemed too high, or for any neglect to furnish proper bonds for the performance of such contract. Said assessments shall be a lien upon the property assessed, and shall be collected in like manner as provided in section seventeen of this title. Any deficiency between the amount of the special assessments levied and the amount expended for such work, may be defrayed out of the ward fund of the proper ward, or by the levy of a special ward tax.

Work to be let to lowest bidder.

SECTION 4. Section one of title thirteen of said chapter three hundred and thirteen, is hereby amended by striking out the following words and figures where they occur in said section, viz.: "7. A sum not exceeding three thousand dollars for a police fund;" and by inserting in place thereof the following words and figures, viz.: "7. A sum not exceeding three thousand five hundred dollars for a police fund."

Police fund.

SECTION 5. Section one of title twelve of said chapter three hundred and thirteen, is hereby amended by striking from said section the following words and figures where they occur in said section, viz.: "To the city clerk and ex-officio comptroller, eight hundred dollars," and by inserting in place thereof the words and figures following, viz.: "To the city clerk and ex-officio comptroller, nine hundred dollars."

Salary of city clerk and comptroller.

SECTION 6. Title thirteen of said chapter three hundred and thirteen, is hereby amended by adding thereto a new section, which shall read as follows: Section 9. The common council, by and with the consent of the aldermen of the second and third wards, are hereby authorized to transfer to the fire fund so much of the special cistern fund raised under the provisions of the next preceding section as is or may be apportioned for use in the second and third wards of said city, and to use the same for the purpose of building a new fire engine house in said city. The amount so transferred shall be levied by general tax at the next annual tax levy, and repaid to said special cistern fund. Said council is also authorized, with the consent of the aldermen of the sixth ward, to appropriate and use so much of said special cistern fund as is or may be ap-

Providing for building engine house.

portioned for use in the sixth ward, for the purpose of laying water pipes in the streets of said ward if, in the judgment of the council, such change in the use of such fund shall be deemed expedient.

Repealed.

SECTION 7. All acts and parts of acts inconsistent with or repugnant to the terms of any of the sections of this act, are hereby repealed.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1881.

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[No. 29, S.] [Published March 22, 1881.]

## CHAPTER 124.

AN ACT to provide for the separate publication of reports of Washburn observatory, and of the departments of agriculture and mechanic arts in Wisconsin university.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Publication of reports.

SECTION 1. The board of regents of Wisconsin university are hereby required to report to the governor, annually or oftener, the results of important investigations conducted by the director of Washburn observatory, and also the results of such experiments in said university relating to agriculture or the mechanic arts, as said board may deem to be of special value, for the promotion of the agricultural and mechanical interests of Wisconsin, and with the approval of the governor, not less than fifteen hundred of each of said reports may be printed by the state printer in separate form. on good book paper and otherwise in such manner and with such appropriate quality of binding as the commissioners of public printing shall order and prescribe.

Distribution of reports.

SECTION 2. Three hundred copies of each of the said reports provided to be printed in the preceding section of this act shall be for the use of the senate and five hundred copies for the use of the assembly; and the remainder shall be distributed in exchange for the publications of other scientific institutions, and for such other public purposes as the board of regents of said university may determine.

SECTION 3. There is hereby appropriated from the state treasury annually, out of any moneys not otherwise appropriated, a sufficient sum of money for the purposes of this act.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1881.

[No. 91, S.] [Published March 21, 1881.]

## CHAPTER 125.

AN ACT to appropriate to the northern Wisconsin agricultural and mechanical association a sum of money therein named.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated out of the general fund, to the northern Wisconsin agricultural and mechanical association, the sum of fifteen hundred dollars. Appropriation, $1,500.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1881.

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[No. 15, S.] [Published March 22, 1881.]

## CHAPTER 126.

AN ACT to legalize the adjournment of the March term of the circuit court of Green county for the year 1881.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The order bearing date March third, 1881, signed H. S. Conger, judge, filed with the clerk of the circuit court of the county of Green, in his office on the said third day of March, 1881, and by him entered in his minutes, whereby it is ordered that the circuit court for Green county be adjourned to Tuesday the twenty-ninth day of March, 1881, at nine o'clock in the forenoon, is hereby in all things declared to be legal and effectual as and for the adjournment of said court to the day last named, the same as though the judge thereof had been in attendance upon said court and had, in person, so ordered said adjournment. Adjournment legalized.

SECTION 2. The several acts and proceedings of said clerk in adjourning said court from day to day, and the aforesaid act and proceeding had and taken by him and the said judge, or either of them, in adjourning said court from the third day of March, 1881, to the twenty-ninth day of March, 1881, are hereby in all things legalized, and declared valid for the adjournment of said court to the day last named. Acts of judge and clerk legalized.

SECTION 3. The circuit court for the county of Green shall be held on the twenty-ninth day of March, 1881, in pursuance of the aforesaid adjournment, and all writs, processes, informations, recognizances, motions and other proceedings pending in said court or Term to be held.

for hearing therein at the regular March term thereof, for the year 1881, as already provided by law, shall be continued for hearing or disposal at such adjourned day, and the jurors already summoned for such regular March term shall be and remain the jurors for such term, and shall attend as such without further notice at the aforesaid adjourned day.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 21, 1881.

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[No. 219, A.] [Published March 22, 1881.]

## CHAPTER 127.

**AN ACT to authorize the town of Kewaunee to build and maintain a bridge across Kewaunee river.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Location of bridge.**

SECTION 1. The town board of supervisors of the town of Kewaunee, in the county of Kewaunee, is hereby authorized to build and maintain a bridge across the Kewaunee river, to commence at the foot of Main street, in the village of Kewaunee, on the south side of said river, to a highway on the north side of said river, the said highway running on the section line between sections seventeen (17) and eighteen (18), township twenty-three (23) north, of range twenty-five (25) east.

**Duty of town board.**

SECTION 2. It shall be the duty of said town board of supervisors, when said bridge is completed, to keep the same in good repair, and to keep at all seasons of navigation, sufficient manual force to open and close the same, so as to admit the passage of vessels and other water crafts with the least possible delay.

**Question of raising money to be submitted to vote of electors.**

SECTION 3. The funds necessary to build and maintain said bridge shall be raised by taxation upon all the taxable property in the said town of Kewaunee, to be levied and collected as other taxes in said town are levied and collected: provided, however, that the question of raising money to build said bridge be submitted to a vote of the qualified electors of said town at the annual town meeting to be held in April, 1881, as provided in subdivision seven of section seven hundred and seventy-six of the revised statutes.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1881.

[No. 84, S.] [Published March 22, 1881.]

## CHAPTER 128.

**AN ACT relating to the re-assessment of lands for taxation, and amendatory of section one thousand two hundred and ten *b* of the revised statutes of Wisconsin for the year 1878.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one thousand two hundred and ten *b* of the revised statutes of Wisconsin of 1878, is hereby amended, by striking out the words "mentioned in section one thousand two hundred and ten *a* of these statutes," and inserting in lieu thereof the words "for any of the causes provided by law," also, by striking out the word "conclusive" where it occurs in the twenty-eighth and thirty-first lines of said section, and inserting in lieu thereof the words "prima facie," also, by inserting after the word "same," in the thirty-fourth line of said section, the following: "If the plaintiff shall desire to contest the validity of such re-assessment, he shall within twenty days after such tax roll shall have been completed, file with the clerk of the court where such action is pending, objections in writing to such re-assessment or tax roll, a copy of which objection shall within five days after such filing be served upon the attorney for the defendant, and thereupon the court may direct an issue to be made up involving the objections aforesaid, which shall be tried summarily by the court, and thereupon the court shall file an order sustaining or overruling the objections of the plaintiff aforesaid. If by such order such re-assessment or tax roll shall be held invalid, subsequent re-assessment of such tax may be had in manner and form as herein above provided; and similar proceedings may be resorted to, to determine the validity of any such re-assessment. If such re-assessment and tax roll shall be held by the court regular and valid, or if no objections thereto shall be filed by the plaintiff, the court shall make an order refusing the plaintiff to pay into court for the use and benefit of the defendant the amount which by such valid re-assessment he justly ought to pay. If the amount of tax imposed upon the plaintiff's property by such valid re-assessment shall equal or exceed the amount imposed thereon by the original assessment and tax roll, the plaintiff shall be adjudged to pay costs of such suit; otherwise the plaintiff, upon complying with the order of the court last aforesaid, shall be entitled to judgment with costs."

**Amendment.** **Amendment.** **Amendment.**

Amendment.

Also by adding to said section the following: "provided, that in all cases where the boundaries of any town or towns shall have been changed since the assessment was made, the re-assessment shall be made by the duly elected and qualified assessor of each organized town wherein the whole or any part of the property to be reassessed is situated. The values shall be fixed as nearly as may be as of the day the original assessment was made, and the rules of determining the same shall be those provided for assessments of property," so that when amended said section shall read as follows: Section 1210 *b*. In all actions hereafter tried upon issue joined in any of the courts of this state, in which it shall be sought by either party to avoid, or set aside in whole, or in part, any assessment, tax or tax proceeding, for any of the causes provided by law, if the court shall be of the opinion, after a hearing in that behalf had, that for any reason affecting the groundwork of the tax and affecting all the property in any town, village, city or county, said assessment, tax or tax proceeding should be set aside, it shall immediately stay all proceedings in such action, and in all other actions brought to set aside such tax in such town, village or city, until a re-assessment of the property of such town, village or city can be made; and the proper authorities of such town, village or city, shall immediately proceed to re-assess the property thereof in the manner specified in these statutes, and shall levy upon the property thereof the amount of tax for the year in question, levied in such year in such assessment district; and such re-assessment shall be made by the assessor of such town, village or other assessment district; and when so made by such assessor such assessment roll shall be submitted to and passed upon by the board of review of such town, city or village, in the same manner in all respects and with like notice as is provided by law for the revision of the annual assessment roll of such town, city or village by the board of review thereof, and upon the completion of said review the town clerk of such town, village clerk of such village and city clerk of such city in which such assessment district is situated, shall extend upon such assessment roll the tax levied upon the property of such assessment district in such year; and such assessment roll and such tax so extended thereon shall be and become a public record, and shall be *prima facie* evidence of the amount of tax justly chargeable against such plaintiff, and upon the lot or lots, tract or tracts

Contesting validity of assessment.

Duty of clerk.

of land respecting which the said action is brought, and shall also be *prima facie* evidence of the amount of tax justly chargeable against any and every other person or corporation, and every other lot, parcel or tract of land in such tax roll for such year, in any legal proceeding that may arise respecting the same. If the plaintiff shall desire to contest the validity of such re-assessment, he shall within twenty days after such tax roll shall have been completed, file with the clerk of the court where such action is pending, objections in writing to such re-assessment or tax roll, a copy of which objections shall, within five days after such filing, be served upon the attorney for the defendant; and thereupon the court may direct an issue to be made up involving the objections aforesaid, which shall be tried summarily by the court; and thereupon the court shall file an order sustaining or overruling the objections of the plaintiff aforesaid. If by such order such re-assessment or tax roll shall be held invalid, subsequent re-assessments of such tax may be had in manner and form as hereinabove provided; and similar proceedings may be resorted to, to determine the validity of any such re-assessment. If such re-assessment and tax roll shall be held by the court regular and valid, or if no objections thereto shall be filed by the plaintiff, the court shall make an order requiring the plaintiff to pay into court for the use and benefit of the defendant the amount which by such valid re-assessment he justly ought to pay. If the amount of tax imposed upon the plaintiff's property by such valid re-assessment shall equal or exceed the amount imposed thereon by the original assessment and tax roll, the plaintiff shall be adjudged to pay costs of such suit; otherwise the plaintiff upon complying with the order of the court last aforesaid shall be entitled to judgment with costs: provided, however, that no judgment rendered in any such action shall be taken or understood as in any way affecting the validity of any tax against any other person than the parties to such action, or any tract or parcel of lands or other property than that described in the complaint in such action: provided that in all cases where the boundaries of any town or towns shall have been changed since the assessment was made there, assessment shall be made by the duly elected and qualified assessor of each organized town wherein the whole or any part of the property to be re-assessed is situated. The values shall be fixed, as nearly as may be, as of the day the original assessment

Duty of contestant.

If held regular and valid.

When plaintiff to pay costs.

was made and the rules of determining the same shall be those provided for assessments of property.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1881.

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[No. 81, S.] [Published March 22, 1881.]

## CHAPTER 129.

AN ACT to appropriate to the Wisconsin state agricultural society a certain sum of money therein named.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation, $2,000.

SECTION 1. There is hereby appropriated to the Wisconsin state agricultural society the sum of two thousand dollars, out of any money in the general fund not otherwise appropriated.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1881.

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[No. 86, S.] [Published March 22, 1881.]

## CHAPTER 130.

AN ACT in relation to the house of correction of Milwaukee county and amendatory of section two thousand five hundred and fourteen of the revised statutes.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amendment.

SECTION 1. Section two thousand five hundred and fourteen of chapter one hundred and fifteen of the revised statutes, is hereby amended by striking out the words "less than life" where the same occur in the third line of said section, and inserting in lieu thereof, the words "not exceeding two years," so that said section when amended shall read as follows: "Section 2514. All persons convicted in said court, who would otherwise be sentenced to be imprisoned at hard labor in the state prison for any term not exceeding two years, and all persons convicted in said court in city prosecutions, and in other cases, who would otherwise be sentenced or committed to imprisonment in the county jail, may be sentenced to imprisonment at hard labor in the house of correction of Milwaukee county.

Sentence to house of correction.

SECTION 2. All acts and parts of acts conflicting with this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1881.

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[No. 92, S.] [Published March 22, 1881.]

## CHAPTER 131.

AN ACT to appropriate a sum of money therein named to the Wisconsin state horticultural society.

*The people of the state of Wisconsin, represented in senate and assembly do enact as follows:*

SECTION 1. There is hereby appropriated out of the general fund not otherwise appropriated, the sum of five hundred dollars to the Wisconsin state horticultural society. Appropriation, $500.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1881.

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[No. 94, S.] [Published March 22, 1881.]

## CHAPTER 132.

AN ACT relating to re-assessment of property for taxation, and amendatory of section one thousand one hundred and sixty-four *a*, of the revised statutes.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one thousand one hundred and sixty-four *a*, of the revised statutes of 1878, is hereby amended by inserting the words "when made in accordance with law," after the word "apportionment" in the tenth line of said section. Also by adding to said section as follows: The validity of the re-assessment hereinabove provided for, may be attacked and determined, and subsequent re-assessment may be had, in manner and form as provided by section one thousand two hundred and ten *b*, of the revised statutes, as amended. Provided, that such re-assessment may, in all cases, be made by the assessor of the town wherein the land or property to be assessed is situated. So that said section when amended shall read as follows: Section 1164 *a*. In any action which has been or which shall be commenced for the recovery of any sum or sums of money paid as and for taxes levied either upon real or personal property, or both, if upon the trial it shall appear that the assessment upon which the taxes were so paid is Amendment. Suit continued for re-assessment.

[No. 125, S.] [Published March 22, 1881.]

## CHAPTER 135.

AN ACT to appropriate to the Wisconsin state dairymen's association a sum of money therein mentioned.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation $500.

SECTION 1. There is hereby appropriated out of the general fund, to the Wisconsin state dairymen's association, the sum of five hundred dollars.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1881.

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[No. 130, S.] [Published March 22, 1881.]

## CHAPTER 136.

AN ACT to provide for service of process on guardians in the cases therein specified.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Citation by publication.

SECTION 1. Whenever the judge of any county court in this state shall deem it necessary to require the appearance before such court of any guardian appointed therein, a citation to such guardian so to appear at a time certain may be served by publication, upon obtaining an order therefor, in the following cases: 1. When such guardian has absconded from this state, or keeps himself concealed therein, so as to avoid the personal service of a citation. 2. When such guardian is a non-resident of this state, or has absented himself therefrom for a period of one year.

Application for order to be based upon petition.

SECTION 2. The order for such publication shall be made by the judge of such county court. The application therefor shall be based upon a petition, duly verified and filed, stating cause for requiring the appearance of such guardian in said court, and an affidavit showing the facts required to exist, that personal service of a citation within this state cannot be made, and also the postoffice address of such guardian, or that the affiant is unable, after due diligence, to ascertain it. The order shall direct that service of the citation be made by publication in a newspaper, to be designated as most likely to give notice to the person to be served for such length of time as shall be deemed reasonable, not less than once a week for six weeks, and that, on or before the day of the first publication,

there be deposited in a specified post office a copy of the citation, together with a copy of the petition upon which such order of publication was made, securely inclosed in an envelope, the postage duly paid, addressed to such guardian at his post office to be therein named, or shall direct that such deposit may be omitted because the post office address of such guardian cannot be ascertained. After the making of such an order, personal service of such citation and petition without the state, shall have the same effect as completed publication and mailing.

Duty of court.

SECTION 3. Upon due proof of compliance with said order, and at the time fixed in said citation, said county court shall proceed to consider such petition and take such proof and grant such relief thereunder as shall be just, and any order, judgment or determination made by said court in said proceeding, shall be binding upon such guardian, and shall be prima facie evidence in all courts of this state of all facts therein recited.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1881.

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[No. 148, S.] [Published March 22, 1881.]

## CHAPTER 137.

AN ACT to amend section one thousand two hundred and eighty, of the revised statutes, entitled "of roads and bridges," and relating to costs on appeals.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Persons appealing to pay costs if decision is affirmed.

SECTION 1. Section one thousand two hundred and eighty, of the revised statutes, is hereby amended by adding thereto, at the end thereof, the following: If the decision of the commissioners shall be appealed from, under the provisions of section one thousand two hundred and eighty-one, and shall be reversed and the order or determination of the supervisors shall be finally affirmed, the person appealing from the original order shall pay the costs of the appeal and shall not be reimbursed for the costs and fees required to be paid by him under the provisions of this section.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1881.

[No. 173, S.] [Published March 23, 1881.]

## CHAPTER 138.

AN ACT to amend section seven hundred and fifty-two, of revised statutes of 1878, relating to district attorney.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amendment.

SECTION 1. Section seven hundred and fifty-two of chapter thirty-seven of the revised statutes, is hereby amended by inserting after the word "battery," in the second line of the second subdivision, the words, "or for the use of language intended or naturally tending to provoke an assault or breach of the peace," so that the subdivision as amended shall read as follows: Section 752. To prosecute all criminal actions except for common assault and battery, or for the use of language intended or naturally tending to provoke an assault or breach of the peace, before any magistrate in his county other than those exercising the police jurisdiction of incorporated cities and villages, in cases arising under the charter or ordinances thereof, when requested by such magistrate; and upon like request to conduct all criminal examinations which may be had before such magistrate, and prosecute or defend all civil actions before such magistrates in which the county is interested or a party.

Duties of district attorneys.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1881.

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[No. 210, S.] [Published March 24, 1881.]

## CHAPTER 139.

AN ACT relating to limitations.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Validity of change must be tested within three years.

SECTION 1. Every action or proceeding to test the validity of a change of any county seat, must be commenced within three years after the date of the publication of the governor's proclamation of such change; and every defense founded upon the invalidity of any such change must be interposed within three years after the date of the aforesaid publication, and the time of commencement of the action or proceeding to which any such defense is made, shall be deemed the time when such defense is interposed: provided, that in the

Proviso.

case of any change of a county seat heretofore made, where three years as aforesaid have already elapsed, or will elapse within nine months after this act shall take effect, the action or proceeding must be commenced, or the defense be interposed, within nine months after the publication of this act, and not thereafter, and the time of commencement of the action or proceeding to which any such defense is made, shall be deemed the time when such defense is interposed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1881.

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[No. 32, S.] [Published March 23, 1881.]

## CHAPTER 140.

AN ACT relating to circuit courts, special terms, filing of decisions, and trials in vacation.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Additional business of circuit courts.

SECTION 1. In addition to the general and special terms provided by law, the circuit courts shall always open for the transaction of business, for the entry of judgments, decrees, orders of course, and such other orders as have been granted by the court or presiding judge thereof, and for the hearing and determination of all matters brought before the court or presiding judge, except the trials of issues of fact. The judges of the several circuit courts may by order appoint such special terms in the counties in their respective districts as may be deemed necessary or convenient, and at such terms all business may be transacted except the trials of issues of fact by a jury. Whenever any matter is heard by the court or presiding judge, the decision may be made out of term, and such decision may be an order, or judgment, or direction that an order, or judgment, or decree be entered, and upon filing in the office of the clerk of the circuit court in the county where the action or proceeding is pending, the decision in writing, or the order, judgment, or decree, signed by the presiding judge, the same shall be entered by the clerk, and judgment shall be entered in the same manner, and shall have the same force and effect as though a trial and decision of said matter had been had at a general term of said court in said county.

Special terms may be ordered.

Decision may be made out of term.

Trials in vacation.

SECTION 2. The judges of the several circuit courts of this state may, with the consent of parties, try issues

of law and fact in vacation, and decide such issues either in or out of term, and thereupon judgment may be rendered with the same effect as upon issues tried and determined in term time.

Third and fifth circuits excepted.

SECTION 3. This act shall not apply to or be in force in the third and fifth judicial circuits of this state.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 22, 1881.

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[No. 161, S] [Published March 23, 1881.]

## CHAPTER 141.

AN ACT to amend section three thousand three hundred and thirty-seven of the revised statutes of 1878, relating to logs and timber on the Wolf river, or any of its tributaries.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Any owner may drive logs and receive compensation therefor.

SECTION 1. Section three thousand three hundred and thirty-seven of the revised statutes of 1878, is hereby amended, by striking out the words "the Wolf river," in the second line of said section, and insert the words "any river in this state," in lieu thereof, so that said section when so amended will read as follows: Section 3337. Whenever two or more persons own logs or timber on any river in this state, or any of its tributaries, which are so intermixed that they cannot be conveniently separated for floating or driving them to the place of destination, and either owner shall refuse or neglect to make the necessary provision, or to furnish the necessary labor and materials for floating or driving them to such place, any other owner may drive all such logs or timber to such place, and shall receive reasonable compensation for so driving the portion thereof belonging to such owner so neglecting or refusing from such owner, and shall have a lien for such compensation, and may enforce the same by action as herein provided for the enforcement of liens upon logs or timber.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 22, 1881.

[No. 199, S.] [Published March 23, 1881.]

## CHAPTER 142.

AN ACT relating to log driving on Elk river in Price county, and amendatory of section two of chapter one hundred and forty-four of the general laws of 1880.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section two of chapter one hundred and forty-four of the general laws of the year 1880, is hereby amended by striking out the word "on" immediately after the word "river" in the seventeenth line of of said section as printed in the session laws of that year, and inserting in place thereof the words "between Elk lake and the east line of," so that said section when amended shall read as follows: Section 2. Whenever the said A. D. Lunt and Peter Musser, their associates and assigns, shall have built, erected and maintained said dam, with suitable gates and slides for the purpose of sluicing and driving logs over said dam and driving and floating logs in, down and out of said river, and so improve said stream as aforesaid, and operate said dam and improvements so that logs can be driven down and out of said river with reasonable certainty, the said A. D. Lunt and Peter Musser, their associates or assigns, in consideration of the building, maintaining, and operating said dam and other improvements, and the facilities thereby obtained for floating and driving logs on said river, shall be and are hereby authorized to charge, and entitled to collect and receive of any and all persons owning or controlling logs in said river, as toll, the following sums: For all logs put in said Elk river between Elk lake and the east line of section three, in township thirty-seven north, of range one east, three cents per thousand feet, board measure; for all logs put into said river between the east line of said section three and below said dam, the sum of five cents per thousand feet; and for all logs put into said Elk river above said dam, the sum of ten cents per thousand feet. The amount of said logs shall be determined by the lumber inspector of the district within which the dam is situated, or by mutual agreement of the parties.

Conditions upon which tolls may be charged.

Tolls.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 22, 1881.

[No. 523, A.] [Published March 24, 1881.]

## CHAPTER 143.

AN ACT to amend subdivision two of section one thousand seven hundred and seventy-two of chapter eighty-six of the revised statutes, in relation to the organization of corporations.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Style of corporate name.

SECTION 1. Subdivision two of section one thousand seven hundred and seventy-two of chapter eighty-six of the revised statutes, is hereby amended by adding thereto the following: "If such corporate name contains the name of any individual, the word limited shall also be contained in such corporate name."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 22, 1881.

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[No. 427, A.] [Published March 24, 1881.]

## CHAPTER 144.

AN ACT to amend subdivision three of section two thousand five hundred and eighty-six of chapter one hundred and seventeen of the revised statutes, entitled "of courts of record, judges, attorneys and clerks thereof."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amendment.

SECTION 1. Subdivision three of section two thousand five hundred and eighty-six of chapter one hundred and seventeen of the revised statutes, is hereby amended by adding after the word "state," where it occurs in the first line of such subdivision, the words "and of the judicial circuit wherein he applies for admission," so that said subdivision when amended shall read as follows: 3. Every other person who shall be of full age, a resident of this state, and of the judicial circuit wherein he applies for admission, and of good moral character, may be admitted to practice as an attorney in all courts of record, except the supreme court, by order of a judge of the circuit court made in open court, but the applicant shall be first examined in open court by the judge, or examiners appointed by him, and shall thereby satisfy such judge that he possesses sufficient learning in the law and ability to enable him to properly practice as such attorney; the residence and age of the applicant shall be made to appear by affidavit.

Licensing attorneys.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 22, 1881.

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[No. 411, A.] [Published March 24, 1881.]

## CHAPTER 145.

AN ACT to amend section eight hundred and forty-four of the revised statutes, relating to constables.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section eight hundred and forty-four of the revised statutes, is hereby amended by adding at the end thereof the following: No constable shall serve or execute any summons, writ or process in any action or proceeding, wherein he is agent or attorney for the plaintiff, or interested in the collection of the claim sought to be recovered, and no constable shall recover any costs, fees or expenses, nor shall any costs or fees, be taxed for any services rendered in violation of the provisions of this section. Authority and fees of constables.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 22, 1881.

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[No. 401, A.] [Published March 24, 1881.]

## CHAPTER 146.

AN ACT to amend section four of chapter two hundred and forty-five of the laws of 1879, amending section four hundred and ninety-four of the revised statutes, in regard to free high schools.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section four of chapter two hundred and forty-five of the laws of 1879, is hereby amended so as to read as follows: Section 4. Section four hundred and ninety-four of the revised statutes, is hereby amended so as to read as follows: Section 494. All such high schools shall be free to all pupils resident in the district. Every principal of any high school hereafter elected or appointed shall be a graduate of some university, college or normal school or shall hold a state certificate; or shall pass an examination in the studies required to be taught in any such school; and the high school boards, or boards of education, having charge of such schools shall determine with the advice Qualification of principal. Authority of state superintendent.

and consent of the state superintendent, the course of study and minimum standard of qualifications for admission to the same.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 22, 1881.

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[No. 398, A.] [Published March 24, 1881.]

## CHAPTER 147.

AN ACT to amend section four thousand eight hundred and eighty-two, of the revised statutes of 1878, entitled "of inquests of the dead."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Coroners of Dane and Sheboygan counties to take inquests.

SECTION 1. Section four thousand eight hundred and eighty-two of the revised statutes of 1878, is hereby amended so as to read as follows: Section 4882. In all cases when inquests are to be taken in the counties of Sheboygan and Dane, the same shall be taken by the coroner of said counties, who shall perform all the duties of, have all the powers of, and receive the same fees, as justices of the peace, in taking such inquests, and shall have exclusive power to take such inquests in said counties, except in cases of inability to attend to said duty, in which case the said duty may be performed by any justice of the peace of said counties.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 22, 1881.

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[No. 305, A.] [Published March 23, 1881.]

## CHAPTER 148.

AN ACT to amend chapter two hundred and forty of laws of 1879, entitled an act to revise, consolidate and amend the city charter of the city of Fond du Lac.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Justices of the peace.

SECTION 1. Chapter two hundred and forty of the laws of 1879, entitled an act to revise, consolidate and amend the city charter of the city of Fond du Lac, is hereby amended by striking out the words "three justices of the peace," where they occur in title three, section four of said act, and inserting in place thereof the words "two justices of the peace."

SECTION 2. Section sixty-two, under title nine of said chapter two hundred and forty, laws of 1879, is hereby amended so as to read as follows: Section 62. All corporations, companies and associations, by their respective underwriters or agents, engaged in said city in effecting fire insurance, shall account and pay to the city treasurer the two per cent. upon the amount of all premiums which shall have been received or agreed to be paid for insurance, at the times and in the manner and form prescribed, or provided for by section one thousand nine hundred and twenty-six, revised statutes.

Duties of insurance companies and their agents.

SECTION 3. Section twenty-five under title four, of said chapter two hundred and forty, laws of 1879, is hereby amended by inserting after the word "county" at the end of the tenth line of said section twenty-five, the words "or the watch house of the city of Fond du Lac."

Confinement in watch-house authorized.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 22, 1881.

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[No. 296, A.] [Published March 24, 1881.]

## CHAPTER 149.

AN ACT to amend section seven hundred and sixty-two of the revised statutes relating to the keeping of a tract index by registers of deeds.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section seven hundred and sixty-two of the revised statutes, is hereby amended by adding to said section at the end thereof the words: provided further, that nothing hereinbefore contained shall be so construed as to prevent any county from discontinuing such index whenever such county may have adopted, or may hereafter adopt, and shall maintain, keep and maintain, a complete abstract of title to the real estate of such county as a part of the official records of the register of deeds of such county.

Counties may discontinue tract indexes.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 22, 1881.

[No. 33, A.] [Published April 2, 1881.]

## CHAPTER 150.

AN ACT for the payment of a bounty on wild animals.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Animals enumerated.

SECTION 1. Every person who shall kill any wolf shall be entitled to a reward of six dollars; and every person who shall kill any wild cat or lynx shall be entitled to a reward of three dollars; and every person who shall kill any fox shall be entitled to a reward of two dollars.

Carcass to be exhibited to chairman of town board.

SECTION 2. Any person claiming such reward shall exhibit the carcass of the animal so killed to the chairman of the board of supervisors of the town wherein such animal was killed, and obtain from such chairman a certificate that such animal was exhibited to him, which certificate shall be in the following form:

Certificate of chairman.

State of Wisconsin, county of——, town of——, ss.

I, ——, chairman of said town, in said county, do certify that —— has this day exhibited to me the carcass of a ——, which he claims to have killed in said town on the —— day of ——, 18—.

Dated ——, 18—.

——, chairman, town of ——.

Scalp and ears to be produced to county clerk.

And the person claiming such reward shall, within sixty days after killing any animal for the killing of which a reward is offered, produce the scalp of the animal so killed, with the ears entire, to the county clerk of said county, and shall take and subscribe in writing the following oath:

Oath of person producing scalp.

State of Wisconsin, county of——, ss.

I, ——, do solemnly swear that the scalp produced by me is the scalp of a ——, taken and killed by me in the town of ——, in this county, on the —— day of ——, 18—; that I exhibited the carcass of such —— to the chairman of said town immediately after killing such animal; that the certificate of said chairman now produced by me is the genuine certificate of said chairman, signed by him; and that I have not spared the life of any wolf, wild cat, lynx or fox, within my power to kill, and that I am a resident of this county.

Subscribed and sworn to before me this —— day of ——, 18—.

The said oath may be taken before the county clerk or any person authorized by law to administer oaths.

Scalp to be destroyed.

SECTION 3. Such clerk shall cause such scalp to be destroyed in his presence, and shall enter in a book the

name of the claimant, date of oath and amount claimed, and shall immediately transmit to the secretary of state such oath, together with a certificate under his hand and official seal, that such scalp was presented to him, and that he caused such scalp to be destroyed in his presence. Such oath and certificate shall be upon blanks to be furnished by the secretary of state. On receipt of such oath and certificate, the secretary of state shall audit such claim, and the same shall be paid out of the state treasury.

When poisoned baits may be put out.

SECTION 4. For the destruction of wolves, wildcats, lynxes or foxes, it shall be lawful to put out baits containing poison between the first day of December and the first day of March, but the same shall not be placed within eighty rods of a dwelling house, and the person putting out such baits shall immediately thereafter post, in three public places in the town, notice of the putting out such baits, describing the land and location on which such baits are placed, and the date when put out, and within three days after the first day of March, shall take up and effectually destroy the same. For failure or neglect to so post such notices, or to so take up and destroy said baits, the person so putting out the same shall be liable for all damages sustained by such failure or neglect, and shall also forfeit the sum of five dollars.

Same reward to be paid for animal poisoned as if otherwise destroyed.

SECTION 5. The same reward shall be paid for any wolf, lynx, wild cat or fox, so destroyed by poison as is provided in section one of this act; and there is hereby appropriated, out of any moneys in the treasury not otherwise appropriated, a sufficient sum of money for the purposes of this act.

SECTION 6. All acts or parts of acts contrary to the provisions of this act are hereby repealed.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 22, 1881.

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[No. 274, A.] [Published March 24, 1881.]

## CHAPTER 151.

**AN ACT to amend section two thousand four hundred and thirty-three, of chapter one hundred and thirteen of the revised statutes, entitled "of the circuit courts."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Appointment of court commissioners.

SECTION 1. Section two thousand four hundred and thirty-three of chapter one hundred and thirteen

of the revised statutes of the state of Wisconsin, is hereby amended so as to read as follows: Section 2433. The circuit courts and the circuit judges in vacation may appoint, in each of the counties in their respective circuits, four court commissioners, each of whom shall hold his office during the term of office of the circuit judge who appointed him, and until his successor is appointed and qualified, unless sooner removed by the court or judge appointing him. Each such court commissioner shall, before entering upon the duties of his office, take and subscribe the constitutional oath of office and file the same, duly certified, together with his appointment, in the office of the clerk of the circuit court of the county in which he resides.

Oath of office.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 22, 1881.

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[No. 14, A.] [Published March 24, 1881.]

## CHAPTER 152.

AN ACT to amend section two thousand four hundred and eighty-three of chapter one hundred and fifteen, revised statutes of 1878, relating to "of other courts and record."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Fees to be paid by estates in Milwaukee county court.

SECTION 1. Section two thousand four hundred and eighty-three of the revised statutes, is hereby amended by adding thereto the following: In fixing the amounts of estates or property of wards, for the purposes of this section, the amount of existing specific liens shall be deducted from the gross valuation of such estates or property.

SECTION 2. This act shall be in force from and after its passage and publication.

Approved March 22, 1881.

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[No. 172, A.] [Published March 24, 1881.]

## CHAPTER 153.

AN ACT to amend section one thousand one hundred and ninety-six of the revised statutes, in relation to fees to be collected by county treasurers and county clerks.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Fees to be collected by county

SECTION 1. Section one thousand one hundred and ninety-six of the revised statutes, is hereby amended

by adding after the word "cents," in the fourth line, the following words: And also the expenses of advertising incurred under the provisions of section one thousand one hundred and seventy-four of the revised statutes, so that said section when amended will read as follows: The county clerk shall collect as fees for every deed of land issued upon a tax sale, when such deed shall include lands in contiguous tracts not exceeding one hundred and sixty acres, seventy-five cents; and for every additional tract therein described, five cents, and also the expenses of advertising incurred under the provisions of section one thousand one hundred and seventy-four of the revised statutes. For every certificate of redemption, twenty-five cents for one tract, and five cents for each additional tract described therein, to be paid by the person to whom such deed or certificate is issued, and the clerk issuing such deed or certificate shall include therein so many parcels of land bid off, owned or redeemed by any person, as he may desire. The county treasurer shall collect as fees, five cents for countersigning every certificate of redemption, and for every certificate of sale twenty-five cents, to be paid by the person to whom such certificate is issued, and the sum so paid for such certificate of sale shall be added to the sum for which such lands were sold and included in the certificate issued, and when the lands are bid in for the county, the like sum for fees shall be included in each certificate issued on the lands so bid in. Clerk and treasurer.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 22, 1881.

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[No. 217, A] [Published March 24, 1881.]

## CHAPTER 154.

**AN ACT to legalize the acts of the state board of commissioners relating to laying out the state road from Lincoln, Kewaunee county, to Brown county, approved February 19, 1880.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The acts and proceeding of the state road commissioners, appointed pursuant to chapter eleven of the laws of 1880, are hereby legalized and declared valid, so far as the same relate to the laying out of a state road within Kewaunee county. Legalized.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 22, 1881.

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[No. 104, A.] [Published March 24, 1881.]

## CHAPTER 155.

AN ACT to provide for laying out a state road from the village of Stockholm, in the county of Pepin, extending by the most feasible route through the county of Pierce to the village of Durand in the county of Pepin.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Location of road.

SECTION 1. Eric Peterson, Henry C. Rode, and S. L. Hunstable, are hereby appointed commissioners to lay out and establish a state road from the village of Stockholm, in the county of Pepin, thence running in a northeasterly direction on the most feasible route through the county of Pierce to the village of Durand, in the county of Pepin.

Authority of commissioners.

SECTION 2. Said commissioners shall have the same powers, as are conferred by law on boards of supervisors, to award damages and settle with any parties, who may feel aggrieved or sustain damages by the laying out and establishing said road, provided any party feeling aggrieved by the award or action of said commissioners shall have the same right of appeal as they would have from the award or action of town supervisors.

Field notes and plat of the survey.

SECTION 3. Within ten days after said commissioners shall have laid out said state road, or such part thereof as in their opinion the public good requires, they shall cause to be filed in the office of the county clerks of the counties through or into which the said road extends, a correct copy of the field notes and plat of the survey thereof, and on and after the filing of the said copy of the field notes and plat of the survey by said commissioners as above provided, said road shall be a public highway and be deemed to be opened and established as a public highway.

Compensation of commissioners.

SECTION 4. Such commissioners shall be entitled to such compensation as the board of supervisors of each county through which such road shall pass, shall deem proper, and the same shall be paid by the said counties respectively in proportion to the distance of said road in each county, provided that no compensation shall ever be allowed from the state treasury for such purpose.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 22, 1881.

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[No. 128, A.] [Published March 24, 1881.]

## CHAPTER 156.

AN ACT to repeal chapter two hundred and thirty-one of the laws of 1879, entitled "an act to authorize the city of Chippewa to issue bonds for the purpose of funding its bonded indebtedness."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Chapter two hundred and thirty-one of the laws of 1879, entitled "an act to authorize the city of Chippewa to issue bonds for the purpose of funding its bonded indebtedness," is hereby repealed. Repealed.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 22, 1881.

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[No. 206, S.] [Published April 7, 1881.]

## CHAPTER 157.

AN ACT to amend section two thousand seven hundred and forty-eight of the revised statutes, relating to attachments.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Amend section two thousand seven hundred and forty-eight of the revised statutes, by adding thereto the following: "and in cases where real estate has been attached upon the entry of final judgment in favor of the defendant in the action, either on the merits or on discontinuance or dismissal, or on satisfaction of a plaintiff's judgment, the clerk of court shall certify the fact of such judgment, or satisfaction, and on filing such certificate with the register of deeds in any county in which lands attached in the action are situated, such register shall enter such certificate upon the records of his office in satisfaction of the lien of such attachments. How defendant to recover his damages when action is dismissed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1881.

[No. 154, S.] [Published March 24, 1881.]

## CHAPTER 158.

**AN ACT to authorize J. K. Mansfield, T. D. Lang, and their associates and assigns, to construct and maintain a boom in Beaver Dam lake, in Barron county.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Location of boom.

SECTION 1. J. K. Mansfield, T. D. Lang, and their associates and assigns, are hereby authorized and empowered to construct, maintain and keep in repair, a boom or booms in Beaver Dam lake in Barron county, to commence at a point on lot three (3), of section six (6), in township thirty-five (35), north of range thirteen (13), west, where the southwesterly limit of the right of way of the Chicago, St. Paul, Minneapolis & Omaha railway intersects the southerly water line of said lake, thence along said limit of right of way in a northwesterly direction to the middle line of said lake, thence in a northwesterly course along the middle line of said lake one hundred and sixty rods, thence in a southwesterly course to the shore of said lake; said boom to be used for receiving and storing and otherwise handling logs and timber, and to be so constructed as to allow a channel for the passage of logs, timber, rafts and other water craft. The said parties shall have exclusive control over such boom or booms.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1881.

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[No. 217, S.] [Published March 24, 1881.]

## CHAPTER 159.

**AN ACT fixing the terms of the circuit court of Wood county.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Terms.

SECTION 1. The terms of the circuit court for Wood county shall hereafter be held on the first Tuesday in May and the first Tuesday in December of each year.

Business not to be interrupted.

SECTION 2. All writs, summons, recognizance, process, informations, motions and other proceedings in said court, and all jurors summoned to attend, and all notices of trial and every and all proceedings pending or to be heard on the days heretofore fixed as the first

day of said terms, shall be held returnable, cited to appear and noticed for hearing, on the day herein fixed for the first day of said terms, and shall be heard and disposed of as if noticed for hearing on the days herein fixed.

SECTION 3. All acts or parts of acts conflicting with this act, are hereby repealed, so far as they conflict with this act. Repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1881.

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[No. 157, S.] [Published March 24, 1881.]

## CHAPTER 160.

AN ACT to authorize John Ross, J. E. Leahy and M. P. Bube, and their associates and assigns, to construct and maintain dams across, and otherwise improve, Pine river, in Lincoln county, Wisconsin.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. John Ross, J. E. Leahy and M. P. Bube, their associates and assigns, are hereby authorized to construct and maintain four flooding dams across Pine river as follows, viz.: One on section twenty-two (22) in township thirty-one (31) north, range seven (7) east. One on section nine (9) in township thirty-one (31) north, range eight (8) east. One on section thirty-one (31) and one on section twenty-eight (28) in township thirty-two (32) north, range nine (9), east in said Lincoln county, and to erect suitable roll dams, take out snags and blast out the rocks from the bed of said stream, and otherwise improve said Pine river, so as to equalize the flow of water therein, and furnish sufficient water by floods from said dams to float logs and timber from said section twenty-eight (28) town thirty-two (32) north, range nine (9) east, aforesaid, down said river. Location of dam.

SECTION 2. The said John Ross, J. E. Leahy and M. P. Bube, their associates and assigns, shall build suitable slides and flooding gates in said dams, for the purpose of sluicing and driving saw logs and timber through the said dams, and to keep the same in good repair, and shall hold the water back for the above named purposes whenever the case may require. Slides and flooding gates.

SECTION 3. Whenever the said dams and improvements shall have been made as hereinbefore provided, When tolls may be charged.

so as to render the floating of logs and timber down and out of said river reasonably certain, the said John Ross, J. E. Leahy and M. P. Bube, their associates and assigns, in consideration of the building of said dams and the making of said improvements, shall be entitled to charge and collect tolls on all logs and timber run over said dams and out of said river, from the persons owning or controlling the same, at the rate of twelve and one-half cents per thousand feet, board measurement, for each of said four dams so to be erected and maintained as hereinbefore provided.

Tolls.

Tolls to be lien.

SECTION 4. The tolls authorized by this act shall be a lien on the logs and timber subject to the same, and be enforced in the same manner as liens for labor on logs, under the general statutes.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1881.

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[No. 89, S.] [Published March 24, 1881.]

## CHAPTER 161.

**AN ACT to authorize James Hewett and his assigns to build and maintain a dam across Wedges creek in the county of Clark, Wisconsin.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Location of dam.

SECTION 1. James Hewett and his assigns are hereby authorized to build and maintain a dam across Wedges creek in the county of Clark, Wisconsin, in the northeast quarter of southeast quarter of section number twenty-two and the northwest quarter of southwest quarter of section twenty-three in township number twenty-five north, of range number three west, and to otherwise improve said creek by clearing and straightening its channel so as to facilitate the driving of logs down and out of said creek.

Slides and flooding gates.

SECTION 2. The said James Hewett shall build a suitable slide and gate in said dam for the purpose of sluicing logs through said dam, and shall keep the same in good repair, and operate the same for the purpose of facilitating the driving of logs down and out of said creek.

When tolls may be charged.

SECTION 3. When said dam shall have been constructed as before provided, so as to render the floating of logs down and out of said creek from above said dam reasonably certain, the said James Hewett, in con-

sideration of the building of said dam, shall be entitled to charge, sue for, and collect tolls on all logs cut and banked in township number twenty-five north of range number three west, and driven through said dam, the sum of ten cents per thousand feet, board measure.

Tolls to be lien.

SECTION 4. The tolls authorized by this act shall be a lien on all logs driven through said dam for the amount thereof at the rate aforesaid, and shall be enforced in the same manner as liens for labor on logs, under the general statutes.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1881.

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[No. 70, S.] [Published March 24, 1881.]

## CHAPTER 162.

AN ACT to amend section four thousand five hundred and fifty-eight of the revised statutes, entitled telegraphs.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Penalty for fraudulently obtaining knowledge of telegrams, disturbing wires, etc.

SECTION 1. Section four thousand five hundred and fifty-eight of the revised statutes, is hereby amended so as to read as follows: Section 4558. Any person who shall by any device or means whatever, procure or attempt to procure, from any officer or other person, connected with or in the business or management of any telegraph company transacting business within this state, any knowledge of the contents or substance of any telegraph message or dispatch not addressed to himself, or to which he is not entitled, or who shall without lawful authority, tamper or interfere with, use or in any manner intentionally, carelessly or negligently disturb or interrupt any telegraph wires or lines of any such telegraph company, or who shall intentionally, carelessly or negligently fall any tree or timber so as to break, destroy or injure any such telegraph wires, without first giving twenty-four hours' notice of his intention to do so, to some agent of the company at its nearest office, or to some agent of a railroad company at its nearest office, in case such wires are constructed along any railroad, or who shall without the consent of such company, send or attempt to send, any message or dispatch over said wires or lines, in any manner whatever, or shall intercept, interrupt or disturb any dispatch, passing upon any such wires or lines, shall be punished by imprisonment in the county jail not more than one year, or by fine not exceeding one thousand dollars.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1881.

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[No. 38, S.] [Published March 24, 1881.]

## CHAPTER 163.

AN ACT relating to the improvement of Thornapple river, and amendatory of chapter two hundred and eighty-eight of the laws of Wisconsin for the year 1874.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Locating dam, etc.

SECTION 1. Section one of said chapter two hundred and eighty-eight of said laws of 1874, is hereby amended so as to read as follows: Section 1. Daniel Shaw, or his assigns, are hereby authorized to improve that branch of the Chippewa river known as Thornapple river, by clearing and straightening its channel, closing sloughs, erecting side, rolling or flood dams in or across said river, and keeping in repair, and operating the same, for the purpose of facilitating the driving and floating of logs and timber, down and out of said river.

Tolls.

SECTION 2. Section two of said chapter two hundred and eighty-eight, is hereby amended so as to read as follows: Section 2. Whenever said Thornapple river shall have been improved as provided in section one of this act, so as to render the driving and floating of logs and timber down and out of the same from the northern line of township thirty-eight, north of range four west, in Chippewa county, reasonably certain and practicable, at the usual times for such driving, then and thereafter said Daniel Shaw, or his assigns, shall be entitled to receive and collect for such improvements and for the use of the same and for such services, ten cents per thousand feet, board measure, for and upon all logs and timber driven or floated down and out of said river, of the respective owners or of any subsequent owners of the said logs, and shall have an action therefor, provided that such improvements shall be completed prior to January 1, A. D. 1882; and further, that said Daniel Shaw, or his assigns, shall not be entitled to receive or collect any such compensation or charges until at least five thousand dollars shall have been actually expended by him or them in the making of such improvements, or in the purchase of such improvements made by others since March 26, A. D. 1874, at a

price not exceeding the actual cost thereof, and authority to make such purchase is hereby granted: and provided further, that only five cents per thousand feet shall be so charged and collected upon, or for, all logs and timber floated or driven in said river only below the north line of town thirty-five.

SECTION 3. Section three of said chapter two hundred and eighty-eight, is hereby amended so as to read as follows: Section 3. For all such charges and sums which he or they are so entitled to receive, said Daniel Shaw, or his assigns, shall have a lien upon the said logs and timber so driven or floated in said river, and may enforce the same in like manner as other log liens are enforced, arising in Chippewa county, Wisconsin, pursuant to chapter one hundred and forty-three of the revised statutes. Charges to be lien upon logs.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1881.

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[No. 27, S.] [Published March 24, 1881.]

## CHAPTER 164.

AN ACT to authorize E. E. Le Claire to improve Saylor creek.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. E. E. Le Claire and his assigns are hereby authorized to build and maintain a dam or dams and otherwise improve Saylor creek, in township number thirty-nine, range one, east of the fourth principal meridian, by removing rocks, stumps, fallen timber and any other obstructions. Location of dam.

SECTION 2. The said E. E. Le Claire shall build and maintain suitable slides and gates in said dams for the purpose of sluicing timber and logs over or through said dams and shall operate said improvements and dams for the purpose of driving down said stream such logs and timber as may be put into the same. Slides and gates.

SECTION 3. When said E. E. La Claire shall have improved said stream so as to make it reasonably certain that logs can be driven down said stream, he may charge and collect as tolls for all logs or timber run down said stream, the sum of twenty-five cents per thousand feet, for the use of said dams or improvements. Tolls.

SECTION 4. All tolls authorized by this act shall be a lien upon all logs or timber so driven down said Tolls to be lien on logs.

stream, which lien may be enforced as the leans of mechanics and laborers.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1881.

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[No. 19, S.] [Published March 24, 1881.]

## CHAPTER 165.

AN ACT relating to depositions and amendatory of section four thousand and eighty-six of chapter one hundred and seventy-six of the revised statutes, entitled, "of evidence."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Depositions may be taken.

SECTION 1. Section four thousand and eighty-six of the revised statutes, is hereby amended by adding thereto the following: And in all criminal or quasi criminal cases in courts of record, the defendant on notice of the district attorney, may apply to the court or the presiding judge thereof, for leave to take the deposition of any material witness within the state, who is in imminent danger of death, or, of any material witness who is without the state. And if it appears to the satisfaction of the court or presiding judge, that due diligence has been used in making such application, and that such witness is material, and is in such imminent danger, or without the state, and that his attendance cannot by the use of due diligence be procured upon the trial, then such leave may, in the discretion of such court or judge, be granted; and such court or judge shall determine whether such deposition be taken on verbal or written interrogatories and cross interrogatories, and the same when so taken may be used on the trial in the same manner as in civil cases.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1881.

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[No. 142, S.] [Published March 26, 1881.]

## CHAPTER 166.

AN ACT to revise the charter of the city of Prairie du Chien.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Official oaths and bonds.

SECTION 1. Section one of sub-chapter three of chapter fifty-nine of the laws of 1873, is hereby amended

so as to read as follows: Section 1. Every person elected or appointed to any office under this act shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same duly certified by the officer taking the same, with the clerk of the city; and the treasurer, clerk and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to said city a bond with such sureties as shall be approved by the common council; each such surety shall justify as to his worth over and above all debts, liabilities and exemptions, and the amount in the aggregate of the worth of such sureties when they shall have so justified, as shown by such justification; shall be double the penalty specified in such bond; and the common council may from time to time require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 23, 1881.

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[No. 128, S.] [Published March 26, 1881.]

## CHAPTER 167.

AN ACT to authorize loans and extensions of loans from the trust funds of this state.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. In addition to the investments permitted by existing laws, the commissioners of public lands are hereby authorized, in their discretion, to invest the school fund, the university fund, the normal school fund and the agricultural college fund, from time to time, as moneys belonging to those funds may be in the state treasury, in loans to towns, villages, cities and counties, within this state, as hereinafter provided; and every town, village, city and county in this state, is hereby empowered to borrow of said commissioners, from said funds, or either of them, such sum or sums of money, for such time and upon such conditions and terms, as may be agreed upon by and between said commissioners and the town, village, city or county applying for a loan, subject, however, to the limitations, restrictions and conditions hereinafter set forth. Trust funds may be loaned.

SECTION 2. The loans provided for in this act may be made for any term not exceeding twenty years, may Loans, how made.

be made payable in installments and may be in such amounts as shall not, in connection with all other indebtedness of the town, village, city or county, applying therefor, exceed five per centum of the average assessed valuation of the taxable property therein for the three years next preceding the application for such loan. Provided that such loan may be made to pay off existing indebtedness, and may be paid over in installments as fast as such indebtedness or the evidence thereof is cancelled. The interest to be reserved and paid upon such loans shall be at the minimum rate established by law at the time the loan is made, and shall be paid in advance from that date to the first day of the next January, and thereafter annually in advance, as hereinafter provided.

Application for loan.

SECTION 3. Every application for a loan, under the provisions of this act, shall be made in writing, stating the amount required, the purpose to which it is to be applied, and the time and terms of repayment, and shall be accompanied by due proof of the assessed valuation, for the preceding three years, of the taxable property within the town, village, city or county making the application, and of the existing indebtedness thereof; but no loan shall be made to any town unless it shall appear to the satisfaction of the said commissioners that all the supervisors of such town have approved and authorized the application therefor; nor to any village, unless it shall appear that the application therefor has been approved and authorized by a vote of not less than three-fourths of all the trustees of such village, had and taken by ayes and noes, duly recorded, at a regular meeting thereof; nor to any city, unless it shall appear that the application therefor has been approved and authorized by a vote of not less than two-thirds of all the members of its common council, had and taken by ayes and noes, duly recorded, at a regular meeting thereof; nor to any county, unless the application therefor shall have been approved and authorized by the vote of not less than two-thirds of all the members of its board of supervisors, at some regular or special session thereof.

Certificates of indebtedness.

SECTION 4. In case the application for any loan under the provisions of this act shall be approved by the said commissioners, they shall forthwith cause certificates of indebtedness to be prepared in proper form, and transmitted to the town, village, city or county submitting the application. The said certificates shall be executed and signed for a town by its chairman of

supervisors, for a village by its president, for a city by its mayor, and for a county by the chairman of its board of supervisors, and shall be countersigned respectively by the town, village, city or county clerk, and returned to the said commissioners, to be deposited with the secretary of state, who shall thereupon draw his warrant upon the state treasurer for the amount of such loan, and the same, less the interest thereon to the first day of the next succeeding January, shall be paid to the treasurer of the town, village, city or county making such loan, or as he may direct; and said certificates of indebtedness shall then be absolute and conclusive evidence of the existence and validity of such indebtedness, and that all the requirements of law concerning the application for the making and the acceptance of such loan, have been complied with.

Taxable property to stand charged with the debt.

SECTION 5. All the taxable property in any town, village, city or county, which has heretofore obtained, or shall hereafter obtain, any loan from the state, or any of its trust funds, shall stand charged for the payment of the principal and interest thereof, and the boundaries of such town, village, city or county shall not be changed or altered so as to exclude therefrom any land included therein at the time of making such loan, until such loan shall be fully paid, without the consent of the commissioners of public lands and upon such terms as they shall prescribe; and there shall be annually levied upon the taxable property of such town, village, city or county, besides all other taxes, a tax sufficient to pay the annual interest and the installments of principal of such loan as hereinafter provided, and the same shall be a special charge to be paid next after the state tax, out of any moneys collected as taxes within said town, village, city or county.

SECTION 6. The secretary of state at the time that he furnishes a statement of the state tax to that officer, shall in every year, furnish to the county clerk of each county in which any such special charge for principal or interest, on account of any loan from the state or any of its trust funds is due or will become due within the next succeeding twelve months from said county or from any town, village or city therein, a statement of the amount or amounts thereof, showing in detail the amounts due or to become due as aforesaid from the county, and the amounts due or to become due as aforesaid from any town, village or city in said county. The county clerk, on receiving such statement, shall apportion and include the amount to be paid by the

county in his apportionment of the state taxes to the several towns, villages and cities in his county, and shall add to the amount thus apportioned to each town, village or city, all special charges, if any, that are to be paid by such town, village or city, on account of any loan thereto from the state or any of its trust funds. The amounts thus apportioned and included shall be stated in separate sums and carried out in all tax rolls and reports in separate columns; but otherwise the same shall be levied, charged and inserted in the several tax rolls and be collected and paid over with and in the same manner as the state tax, until paid into the treasury; and in case of neglect or refusal to pay any sum or sums when due, the same shall be subject to all the provisions of law applicable to cases of default in payment of state taxes.

**Duty of attorney general and secretary of state in case officer neglects or refuses to perform duties required by this act.**

SECTION 7. In case any officer shall neglect or refuse to perform any duty required of him by this act or any other law of this state, in relation to the levy or collection of any tax required to be raised to make any payment of principal or interest on any loan from the state or any of its trust funds, the attorney general will forthwith apply to the supreme court for a mandamus to compel the performance of such duty, and the secretary of state may do or cause to be done the duty required of such officer, and so neglected or refused to be done, with the same effect as if done by him.

**Misapplication of loan forbidden.**

SECTION 8. No money obtained by any town, village, city or county, by loan from the state, or any of its trust funds, shall be applied to or paid out for any purpose except that specified in the application therefor, without the consent of the commissioners of public lands, and if any supervisor, chairman of any town or county board of supervisors, mayor of any city, president of any village, or treasurer of any town, county, city or village, shall make or sign any order or warrant, or shall pay out or suffer or cause to be appropriated or paid out, any such moneys contrary to the provisions of this section, he shall, upon conviction thereof, be punished by confinement at hard labor in the state prison, for a term not exceeding five years, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment, in the discretion of the court.

**Penalty for violation.**

**Extension of loan.**

SECTION 9. All loans which have heretofore been made, or may hereafter be made from any of the trust funds of the state, to any school district, town, village, city or county, may be extended for such time and

upon such terms as may be agreed upon by and between the commissioners of public lands, and such district, town, village, city or county: provided, however, that no loan shall be extended upon which there is any default in the payment of interest at the time of making such application, nor to any period beyond twenty years from its inception, nor at a rate of interest less than the minimum established by law.

When vote of legal voters is required.

SECTION 10. In every case when the county board of supervisors, town board of supervisors, common council of any city, or village board of any village, is not specially authorized by law to procure loans and make appropriations for the purpose for which any such loan is required, such county, town, city or village shall, before applying for such loan, authorize such application by vote of a majority of the legal voters of such county, town, city or village, by a majority of the legal voters voting on said question at a general or special election. At least three weeks notice of the submitting of said proposition shall be given, in the same manner that notices of special elections to fill vacancies in elective offices are required to be given, before such vote, which shall be by ballot, shall be taken; and said notice shall state the amount of the loan to be applied for and the purpose for which the same is to be appropriated.

Repealed.

SECTION 11. Subdivision five, of section two hundred and fifty-eight, of the revised statutes, relating to the investment of the trust funds, and all acts and parts of acts authorizing loans to citizens of the state of the trust funds of the state, or relating to the manner of making such loans, are hereby repealed.

Repealed.

SECTION 12. All acts and parts of acts contravening the provisions of this act, are hereby repealed.

SECTION 13. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1881.

[No. 73, S.] [Published March 26, 1881.]

## CHAPTER 168.

**AN ACT to prevent the spread of contagious, infectious, and pestilential diseases.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Making it a misdemeanor to bring body of deceased person unless accompanied by certificate**

SECTION 1. Any person who shall bring, knowingly aid in bringing or cause to be brought, by railroad, steamboat, sailing vessel, stage coach or other public or private conveyance, into any town, village or city of the state of Wisconsin, the dead body of a deceased person, unless such dead body is accompanied by the written or printed certificate of a physician or coroner, clearly stating the cause of death, and unless, when the cause of death is small pox, diphtheria, scarlet fever or other dangerous, contagious, infectious or pestilential disease, such dead body is also accompanied by the written or printed permit of a lawfully constituted public health authority and by the sworn declaration of an undertaker in writing, that the body of the person deceased as aforesaid is hermetically inclosed in an air tight metallic coffin or is encased with an abundance of powerful disinfectants according to the written or printed directions of said public health authority, so as to render the same entirely innocuous, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not less than fifty dollars, nor more than three hundred dollars, or by imprisonment in the county jail not less than twenty days, nor more than one hundred days.

**Transportation companies not to receive nor transport.**

SECTION 2. Agents and employes of incorporated transportation companies, and public or private carriers of whatsoever name or nature, shall not receive for transportation, nor transport, the dead body of any person, except on receipt of duly executed papers showing that the conditions required by section one of this act have been complied with, under the same penalties as therein provided.

**Penalty for issuing false certificate.**

SECTION 3. Any physician or any person assuming to act as physician, who shall issue a false certificate whereby a case of small-pox, diphtheria, scarlet fever or other dangerous, contagious, infectious or pestilential disease may be concealed, shall be deemed guilty of a misdemeanor, and shall on conviction thereof, be punished by a fine of not less than fifty dollars, nor more than three hundred dollars, and by imprisonment

in the county jail not less than twenty days, nor more than one hundred days; and the ignorance of an uneducated practitioner of medicine shall not be pleaded in justification or extenuation of his offense.

Making it a misdemeanor for person affected to willfully and knowingly expose others.

SECTION 4. Any person knowingly laboring under small pox, diphtheria, scarlet fever, or other dangerous, contagious, infectious or pestilential disease, who shall willfully enter a public place or a public conveyance or shall in any way willfully subject others to danger of contracting his disease, or any person who shall knowingly and willfully take, aid in taking, or cause to be taken, a child or other irresponsible person, while laboring under any of the aforesaid diseases, into a public place or public conveyance, or shall in any way knowingly and willfully subject others to danger of contracting any of the aforesaid diseases from such child or irresponsible person, or any person who shall knowingly and willfully subject others to danger of contracting any of the aforesaid diseases from the dead body of a person deceased thereof, or any person who shall in any way knowingly and willfully expose, aid in exposing, or cause to be exposed a child or other irresponsible person, to danger of contracting any of the aforesaid diseases, shall be deemed guilty of a misdemeanor and shall be subject to the same penalties as are provided in section one of this act.

Duty of district attorney.

SECTION 5. Upon complaint made in writing, under oath, before any magistrate or justice of the peace, charging the commission of an offense against the provisions of this act in his county, it shall be the duty of the district attorney to prosecute the offender.

Act to take effect.

SECTION 6. This act shall take effect from and after its passage and publication, and all acts and parts of acts conflicting with the provisions of this act, in so far as they contravene the same, are hereby repealed.

Approved March 23, 1881.

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[No. 208, S.] [Published March 25, 1881.]

## CHAPTER 169.

AN ACT to repeal chapter two hundred and twenty-three of the laws of 1877, and to amend and re-enact chapter seventy-two of the private and local laws of 1870, relating to the settlement of the railroad debt of the city of Watertown.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Acts repealed and re-enacted.

SECTION 1. Said chapter two hundred and twenty-three of the laws of 1877, is hereby repealed, and said

section one of said chapter seventy-two of the private and local laws of 1870, is hereby re-enacted.

Offices vacated.

SECTION 2. The offices of all the bond commissioners provided for in said chapter seventy-two of the private and local laws of 1870, are hereby vacated, and and in their place and stead, there shall be elected at the charter election for officers of said city of Watertown on the first Tuesday of April, 1881, a new board of seven bond commissioners, one of them in and for each ward of said city, whose terms of office shall continue until the first day of November, 1884, when all exchanges of bonds under said chapter seventy-two as hereby amended, shall thereafter cease. All the powers and duties conferred in and by said chapter seventy-two on the bond commissioners therein provided for, are hereby conferred on said board of bond commissioners to be elected, subject to all the liabilities therein mentioned; and all the provisions relating to bond commissioners in said chapter seventy-two contained, shall be in force and applicable to said new board of bond commissioners above mentioned, except as herein otherwise provided for.

New board created.

Chairman of board of street commissioners to perform certain duties.

SECTION 3. All the acts and duties which said chapter seventy-two authorizes the mayor of said city to do and perform, may be done and performed by the chairman of the board of street commissioners of said city of Watertown; and all the powers and duties conferred on the common council of said city in and by said chapter seventy-two as hereby amended, are also conferred on the board of street commissioners of the said city; and all the acts and duties which said chapter seventy-two authorizes the mayor and common council of said city to do and perform, may be done and performed by said chairman and board of street commissioners.

Issuing new bonds.

SECTION 4. No new bond shall be issued under said chapter seventy-two, which shall bear date prior to the first day of April, 1881, and no such new bond shall be issued bearing date prior to the first day of April of the year in which it shall be issued, and all bonds and coupons shall cease to draw interest after becoming due unless duly presented for payment at the proper place and time, and payment thereof is refused; all laws now in force for the levy, collection and enforcing the payment of the bonds and coupons which have been issued under and pursuant to said chapter seventy-two, shall apply to and be in full force as to all bonds that shall be hereafter issued under and pursuant to the same chapter as hereby amended.

SECTION 5. Said chapter seventy-two of the private and local laws of 1870, as hereby amended, is in full force and effect in all its provisions. Amended.

SECTION 6. All laws or parts of laws that conflict with any of the provisions of this act, are hereby repealed. Repealed.

SECTION 7. This act shall take effect and be in force from and after its passage.

Approved March 24, 1881.

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[No. 46, A.] [Published March 28, 1881.]

## CHAPTER 170.

AN ACT to provide a punishment for offenses against certain real estate.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. If any person shall willfully sever from the soil of another, any timber or trees standing or growing thereon, and shall take and convert the same or any part thereof to his own use, shall be deemed guilty of larceny, in the same manner and of the same degree, as if the the property so taken and converted, had been severed at some previous and different time, and shall be punished in the manner provided in section four thousand four hundred and fifteen of chapter one hundred and eighty-two of the revised statutes of 1878, for larcenies of property of the same value. Penalty for cutting down and taking away timber and trees belonging to another.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1881.

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[No. 52, A.] [Published March 28, 1881.]

## CHAPTER 171.

AN ACT to authorize Archibald MacEacham to build and maintain a pier in the waters of Sturgeon Bay, Door county, Wisconsin.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Archibald MacEacham, his associates, heirs and assigns, are hereby authorized to build and maintain a pier in the waters of Sturgeon Bay, from fractional lot number two (2) in the northeast quarter of section number seventeen (17), in town number Location of pier.

twenty-seven (27), north of range number twenty-six (26) east, in Door county, Wisconsin; said pier to extend into the waters of Sturgeon Bay, a distance not to exceed three hundred (300) feet, and to be known as "Circle Ridge Pier."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1881.

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[No. 169, A.] [Published March 26, 1881.]

## CHAPTER 172.

AN ACT to authorize the town of Maine in the county of Outagamie to build a bridge across Wolf river and to authorize said town to raise a tax to pay for the building of said bridge.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Location of bridge.

SECTION 1. The town of Maine in the county of Outagamie, is hereby authorized to build a bridge across Wolf river on the line between section four (4) and section nine (9) of said town, and for that purpose to levy a tax and draw town orders to such an amount as may be necessary, not to exceed one thousand dollars ($1,000), in any one year, the said tax to be levied and collected the same as town taxes are by law levied and collected.

Dimensions and style of bridge.

SECTION 2. The said bridge shall be built under the direction of the board of supervisors of said town, and shall not be less than sixteen feet wide, and to be not less than six feet above high water mark, with strong railings on the sides of said bridge, and shall be constructed and maintained in a safe and substantial manner for the passage of teams, animals and foot passengers, and shall not in any way interfere with or obstruct the free navigation of said Wolf river or the running or rafting of logs, or lumber, and a draw shall be constructed in said bridge over the main channel of said river, and when open shall have a clear space for the passage of boats or vessels of not less than fifty feet in width, and said draw shall always be kept in good working order and shall be properly opened at all times for the passage of boats, vessels, or any craft which cannot safely pass under said bridge.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1881.

[No. 286, A.] [Published March 28, 1881.]

## CHAPTER 173.

**AN ACT to amend section four thousand six hundred and fifty-four of chapter one hundred and eighty-nine of the revised statutes, relating to indictments and informations.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section four thousand six hundred and fifty-four chapter one hundred and eighty-nine of the revised statutes, is hereby amended so as to read as follows: No information shall be filed against any person for any offense, until such person shall have had a preliminary examination as provided by law, before a justice of the peace or other examining magistrate or officer, unless such person shall waive his right to such examination: provided, that information may be filed without such examinations against fugitives from justice within the meaning of the constitution and laws of the United States, and against corporations; but no failure or omission of such preliminary examination, shall in any case invalidate any informations in any court, unless the defendant shall take advantage of such failure or omission, before pleading to the merits, by a plea in abatement.

**No informations to be filed without preliminary examination, except in certain cases.**

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1881.

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[No. 299, A.] [Published March 29, 1881.]

## CHAPTER 174.

**AN ACT to amend chapter sixty-six, of the revised statutes, entitled of excise and intoxicating liquors.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one thousand five hundred and fifty-four of said chapter sixty-six, is hereby amended by inserting after the word "thereof" in the sixth line of said section the following words, "the wife of such person, or."

**Wife of spendthrift may forbid the selling to him of liquor.**

SECTION 2. Section one thousand five hundred and fifty-seven of said chapter sixty-six, is hereby amended by striking out of lines six and seven of said section, the following words, "having good reason to believe him to be such;" also amend section one thousand five hundred and fifty-eight of said chapter, by striking out

**Amendments.**

of said section, in lines six and seven, the words "having good reason to be believe him to be such," so that said sections one thousand five hundred and fifty-four, one thousand five hundred and fifty-seven and one thousand five hundred and fifty-eight when so amended, shall read as follows: Section 1554. When any person shall by excessive drinking of intoxicating liquors, misspend, waste or lessen his estate, so as to expose himself or family to want, or the town, city or village to which he belongs, to liability for the support of himself or family, or so as thereby to injure his health, endanger the loss thereof, or to endanger the personal safety and comfort of his family or any member thereof, the wife of such person, or such supervisors, aldermen, trustees, or any member thereof, shall in writing signed by her, him or them, forbid all persons, licensed by this chapter, to sell or give away to him any ardent, spirituous or intoxicating liquors or drinks, for the space of one year, and in like manner may forbid the selling, furnishing or giving away of any such liquors or drinks to such person by any licensed person in any other town, city or village, to which such spendthrift may resort for the same. Section 1557. Any keeper of any saloon, shop, or place of any name whatsoever, for the sale of strong, spirituous or malt liquors to be drank on the premises in any quantity less than one gallon, who shall sell, lend, or in any way deal or traffic in, or for the purpose of evading this chapter, give away any spirituous, ardent or intoxicating or malt liquors or drink, in any quantity whatsoever, to or with a minor or to any person intoxicated or bordering on a state of intoxication, or to any other prohibited person before mentioned, shall be deemed guilty of a misdemeanor; nor shall any person sell or in any way deal or traffic in, or for the purpose of evading this chapter, give away any spirituous, ardent or intoxicating or malt liquors or drinks, in any quantity whatsoever, within one mile of either of the hospitals for the insane; and any person who shall so sell or give away any such liquors or drinks, shall be deemed guilty of a misdemeanor. Section 1558. Upon complaint made in writing under oath by any resident in, and filing with the clerk of, any town, village or city, that any such licensed person therein keeps or maintains a disorderly or riotous, indecent or improper house, or permits gambling in any form upon or within his premises or any appendage thereto, or that he has sold or given away any intoxicating liquor to any minor, with-

Spendthrifts; who may forbid dealers to furnish them liquors.

Penalty for violation of law.

Proceedings for revocation of license.

out the written order of his parents or guardians, or to persons intoxicated or bordering upon intoxication, or to known habitual drunkards, or that he has not observed and obeyed any order of such supervisors, trustees, alderman or any of them, made pursuant to law, the proper town board, village board or common council, shall issue a summons, to be signed by the clerk, directed to any constable therein, commanding the person so complained of to appear before them on a day and at a place, in such summons named, not less than three nor more than ten days from its date and show cause why his license should not be revoked. Such summons shall be served at least three days before the time at which such person is commanded to appear, and may send either personally or upon the person in charge of the place to which such license relates.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1881.

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[No. 340, A.] [Published March 28, 1881.]

## CHAPTER 175.

AN ACT to amend chapter one hundred and twelve of the laws of 1878, entitled, an act to consolidate and amend the act to incorporate the city of Beaver Dam, and the several acts amendatory thereof.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Superintendent of streets.

SECTION 1. The office of street commissioner mentioned in said chapter one hundred and twelve, is hereby abolished, and the words "street commissioner," wherever they occur in said chapter, are hereby stricken out, and the words "superintendent of streets" inserted, except in sections one and two, in title two, of said chapter. But the superintendent of streets, hereafter mentioned, shall have no power or authority, or perform any act or duty, except as provided in the next section, or the ordinances or resolutions of the common council of said city.

Election of street superintendent.

SECTION 2. The common council of said city may, from time to time, and at such time or times as it shall deem necessary, elect such suitable person superintendent of streets, and by ordinance or resolution, provide for and fix his compensation per diem, and prescribe his powers and duties, and remove him from office at pleasure by a majority vote of said common council at any time the said common council may deem proper; and

the said superintendent of streets shall at all times be under the control of said common council, and no act or contract done or made by him shall be valid or binding upon or against the city unless authorized or approved by the common council.

Repealed.

SECTION 3. All acts and parts of acts conflicting with the provisions of this act, are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1881.

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[No. 482, A.] [Published March 28, 1881.]

## CHAPTER 176.

AN ACT to amend chapter one hundred and fifty-nine of the laws of the state of Wisconsin of 1878, entitled an act to revise the charter of the city of Chippewa Falls.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Hotels, boarding houses and restaurants excepted.

SECTION 1. Subdivision first, of section three, of subchapter five, of chapter one hundred and fifty-nine, of the laws of the state of Wisconsin of 1878, is hereby amended by adding to the said subdivision first, of section three, of subchapter five, the following: Provided, any ordinance, resolution or by-law, passed by the mayor and common council of said city of Chippewa Falls, relating to the hours of closing or opening of groceries, taverns, victualling houses, saloons or restaurants, shall not apply to any such places aforesaid which are attached to hotels, boarding houses, taverns or restaurants.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1881.

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[No. 68, S.] [Published March 28, 1881.]

## CHAPTER 177.

AN ACT to authorize Eugene Shaw and D. P. Simons, and their assigns, to erect and maintain dams in and across Fisher creek, a tributary of Chippewa river, and to collect tolls on logs put in said creek and driven out of the same.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Location of dam

SECTION 1. Eugene Shaw and D. P. Simons, of Eau Claire, Wisconsin, and their assigns, are hereby authorized and empowered to maintain such dam or dams as they may have heretofore built in or across Fisher creek, a tributary of the Chippewa river, in

section thirty-four, of township thirty-two, north, of range six, west, in Chippewa county, Wisconsin; and to purchase, build and maintain such other dam or dams in or across said creek as they may find necessary for the purposes hereinafter named, and may operate such dams so as to facilitate the driving and floating of logs and timber down said creek and out of the same.

SECTION 2. Said grantees shall build and maintain in said dam or dams suitable slides and gates, for the purpose of sluicing logs and timber over and through the same. Slides and gates.

SECTION 3. Whenever said Fisher creek shall have been by said dam or dams so improved as to render the driving and floating of logs and timber down and out of the same from the northern line of said section thirty-four, reasonably practicable at the usual times for such driving, then and thereafter, said Eugene Shaw and D. P. Simons, and their assigns, shall be entitled to receive and collect for such service and improvements, and for the use of the same, ten cents per thousand feet, board measure, for and upon all logs and timber driven and floated down and out of said creek, of the respective owners or of any subsequent owner of the said logs or timber, and shall have an action therefor. When and what tolls may be charged.

SECTION 4. For all such charges and sums which they are so entitled to receive, said Eugene Shaw and D. P. Simons, or their assigns, shall have a lien upon said logs so driven or floated in said creek, and may enforce the same in the same manner as other log liens are enforced arising in Chippewa county, Wisconsin, pursuant to chapter one hundred and forty-three of the revised statutes. Tolls to be lien upon logs.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1881.

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[No. 65, S.] [Published March 26, 1881.]

## CHAPTER 178.

AN ACT to appropriate a sum of money therein named to purchase the necessary stationery for the use of the legislature and state officers for the ensuing year, and for the purchase of maps ordered by joint resolution number twenty, A.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated out of any money in the general fund not otherwise appro- Appropriation, $7,500.

the said superintendent of streets shall at all times be under the control of said common council, and no act or contract done or made by him shall be valid or binding upon or against the city unless authorized or approved by the common council.

Repealed.

SECTION 3. All acts and parts of acts conflicting with the provisions of this act, are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1881.

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[No. 482, A.] [Published March 28, 1881.]

## CHAPTER 176.

AN ACT to amend chapter one hundred and fifty-nine of the laws of the state of Wisconsin of 1878, entitled an act to revise the charter of the city of Chippewa Falls.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Hotels, boarding houses and restaurants excepted.

SECTION 1. Subdivision first, of section three, of subchapter five, of chapter one hundred and fifty-nine, of the laws of the state of Wisconsin of 1878, is hereby amended by adding to the said subdivision first, of section three, of subchapter five, the following: Provided, any ordinance, resolution or by-law, passed by the mayor and common council of said city of Chippewa Falls, relating to the hours of closing or opening of groceries, taverns, victualling houses, saloons or restaurants, shall not apply to any such places aforesaid which are attached to hotels, boarding houses, taverns or restaurants.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1881.

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[No. 68, S.] [Published March 28, 1881.]

## CHAPTER 177.

AN ACT to authorize Eugene Shaw and D. P. Simons, and their assigns, to erect and maintain dams in and across Fisher creek, a tributary of Chippewa river, and to collect tolls on logs put in said creek and driven out of the same.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Location of dam

SECTION 1. Eugene Shaw and D. P. Simons, of Eau Claire, Wisconsin, and their assigns, are hereby authorized and empowered to maintain such dam or dams as they may have heretofore built in or across Fisher creek, a tributary of the Chippewa river, in

section thirty-four, of township thirty-two, north, of range six, west, in Chippewa county, Wisconsin; and to purchase, build and maintain such other dam or dams in or across said creek as they may find necessary for the purposes hereinafter named, and may operate such dams so as to facilitate the driving and floating of logs and timber down said creek and out of the same.

SECTION 2. Said grantees shall build and maintain in said dam or dams suitable slides and gates, for the purpose of sluicing logs and timber over and through the same. Slides and gates.

SECTION 3. Whenever said Fisher creek shall have been by said dam or dams so improved as to render the driving and floating of logs and timber down and out of the same from the northern line of said section thirty-four, reasonably practicable at the usual times for such driving, then and thereafter, said Eugene Shaw and D. P. Simons, and their assigns, shall be entitled to receive and collect for such service and improvements, and for the use of the same, ten cents per thousand feet, board measure, for and upon all logs and timber driven and floated down and out of said creek, of the respective owners or of any subsequent owner of the said logs or timber, and shall have an action therefor. When and what tolls may be charged.

SECTION 4. For all such charges and sums which they are so entitled to receive, said Eugene Shaw and D. P. Simons, or their assigns, shall have a lien upon said logs so driven or floated in said creek, and may enforce the same in the same manner as other log liens are enforced arising in Chippewa county, Wisconsin, pursuant to chapter one hundred and forty-three of the revised statutes. Tolls to be lien upon logs.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1881.

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[No. 65, S.] [Published March 26, 1881.]

## CHAPTER 178.

**AN ACT to appropriate a sum of money therein named to purchase the necessary stationery for the use of the legislature and state officers for the ensuing year, and for the purchase of maps ordered by joint resolution number twenty, A.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated out of any money in the general fund not otherwise appro- Appropriation, $7,500.

priated, the sum of seven thousand and five hundred dollars, being the amount estimated as necessary for the purchase of stationery for the use of the legislature and state officers for the ensuing year; said sum to be disbursed in accordance with the provisions of section two hundred and eighty-nine, revised statutes, and for the purchase of maps ordered by joint resolution number twenty, A.

Claims to be sworn to.

SECTION 2. All claims and demands against the state for stationery furnished under the provisions of this act, shall be sworn to by the parties furnishing the same, accompanied by the certificate of the superintendent of public property, and filed with the secretary of state, who shall draw warrant for the amount.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1881.

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[No. 83, S.] [Published March 25, 1881.]

## CHAPTER 179.

AN ACT to amend chapter one hundred and thirty-five of the laws of 1876, entitled an act to revise, consolidate and amend the charter of the city of La Crosse, approved Febaury 19, A. D. 1869, and the several acts amendatory thereof, and to provide for levying assessments for the cost of water pipe, heretofore laid and hereafter to be lain, in said city of La Crosse.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Estimate of expense for laying water pipe.

SECTION 1. Before laying any water pipe along any street, alley or other line in the city of La Crosse, or entering into any contract therefor, the common council of said city shall first cause to be made by the city surveyor, an estimate or estimates of the whole expense thereof and of the proportions of such expense to be assessed and charged to each lot and subdivision of a lot and parcel of land, fronting or abutting on the proposed line of water pipe, and on each side of the same, for the whole length thereof, but not exceeding the amount hereinafter prescribed; such estimate or estimates shall be in writing and accompanied by full specifications; and such estimates and specifications taken together, shall contain full details of everything necessary to an understanding of the character, extent and probable cost of the work, and if different sizes of pipe are to be used in the work, between what points in any line or lines the respective sizes are to be laid.

The common council may consider, amend and adopt such estimate or estimates and specifications, or reject the same and cause others to be prepared. After the approval and adoption of any such estimate or estimates and specifications, the same shall be filed in the office of the city clerk, and remain subject to public inspection. The common council, shall not permit or cause to be laid in said city in any one year, more than two miles of water pipe; and no water pipe of the size of six inches in diameter or less, shall be laid down or contracted for unless a petition therefor shall first be presented to the common council signed by the residents of the city owning a majority of the feet in front of all the lots fronting or abutting upon the line of pipe proposed to be laid and owned by residents of the city of La Crosse. In case the majority of feet in front of all the lots in any one block fronting on the proposed line of water pipe are owned by non-residents of said city, then such work may be ordered upon the petition of the resident owners of a majority of feet in front of any adjoining block, or of the block opposite, provided such owners of lots so petitioning for the same shall have water pipe already laid down in front of the lots owned by them respectively in such adjoining or opposite block or shall have petitioned for the same. Every person in the actual possession of real estate in said city under a contract for the purchase thereof from the owner, shall be held in virtue thereof to be the owner of such real estate, for the purpose of petitioning as owner thereof. Each person signing such petition as a resident, or as the owner of property, shall be required to write after his signature thereto, a brief description of the property so owned by him, and of the place of his residence in said city, and to annex thereto an affidavit that he is such resident or owner, or both, in the said city, and thereupon he shall be taken to be such resident or owner, or both, and such petition shall be as valid and have the same effect as if such person were the owner of such property, or a resident of the city as stated in his affidavit, although in fact it should thereafter appear that he was not such owner or resident.

**Contract for doing work to be let to lowest bidder.**

SECTION 2. At any time after the approval and filing of any such estimate or estimates and specifications as aforesaid, the superintendent of water works, acting alone or in conjunction with any committee which the common council may designate for that purpose, may, by direction of the common council, adver-

tise in the official paper of said city, and in such other papers not published in said city as the common council may, in its discretion, permit, for bids for doing the work mentioned in such estimate, or estimates, and may receive such bids, and, subject to the approval of the common council or of any committee thereof appointed for that purpose, let the contract or contracts therefor to the lowest responsible and reliable bidder or bidders; and with the approval of said common council, the different parts of the work embraced in the estimate or estimates, may be let to different bidders.

Apportionment of expense.

SECTION 3. The proportion of the whole expense of such work to be assessed and charged to each lot or subdivision of a lot or parcel of land fronting or abutting on the line of such water pipe on either side thereof, and to be specified in the estimate required by section two of this act, shall be ascertained and fixed as follows: Every lot or parcel of land or subdivision thereof, where the same is subdivided in ownership, the same not being a corner lot, nor the actual corner of a corner lot subdivided in ownership, fronting or abutting on any line of water pipe, and on each side of the same for its whole length, shall be assessed and charged at the rate of forty cents per lineal foot of the whole frontage of the same, fronting or abutting on such line of water pipe. Corner lots and parcels of land not subdivided in ownership, and subdivisions of corner lots constituting the actual corner of corner lots subdivided in ownership, shall be assessed and charged forty cents per lineal foot of the aggregate frontage of the same on the streets, alleys, or other roadways or thoroughfares whose intersection constitutes the corner, subject to the following deductions: In the case of a lot, parcel of land or subdivision, constituting the actual corner, one-third of the aggregate frontage shall be deducted. Such deductions shall be made in the assessment for the longer front whenever the water pipe shall be laid opposite the same; no deduction shall be made in the assessment for the shorter front, and where the fronts are of equal length, the deduction shall only be made in the assessment for the pipe last laid.

When lots are subdivided by sale or contract.

SECTION 4. Whenever any lot or parcel of land shall be subdivided by sale or any other contract, after the approval and filing of the estimate, as hereinbefore provided for, any person interested may give notice to the superintendent of water works of such subdivision, and in such case, or when the superintendent of water works shall in any other way become cognizant of the

fact of such subdivision, he shall make an apportionment of the amount charged against any such lot between the different subdivisions thereof, and shall report the same in the return to be made to the city clerk as hereinafter provided; but if from any cause any mistake shall be made, either in the original estimate or in the said return to be made to the city clerk as hereinafter provided, in apportioning the assessment to lots or parcels of land, or subdivisions thereof, such mistake shall not be held in any manner to invalidate or impair the proceedings, or any part thereof, or to avoid the lien of the assessment based thereon, and any person may, by payment of the assessment for the number of front feet of any lot or subdivision belonging to him or in which he may be interested, discharge such lot or subdivision from such lien.

Certified list of subdivisions.

SECTION 5. It shall be the duty of the superintendent of water works, and the city surveyor, jointly, under their hands to make and certify to the city clerk, a list of all lots and parcels of land, and subdivisions thereof, so far as known, opposite which any water pipe shall have been laid down, and not before returned, showing the number of lineal feet of such pipe chargeable to each such lot, parcel or subdivision of land, and the amount of assessment thereon, and referring, by the date of filing, to the estimate under which, in each case, such pipes shall have been laid. Said return shall be made to the city clerk, if possible, in time to have the same included in the tax levy for the current year; and the amounts, appearing by said list and the estimate, to be chargeable to each lot, parcel of land and subdivision thereof, contained in said list, shall be entered by the city clerk in the tax roll in a separate column, under the head of "water pipe assessments," opposite the descriptions of lots, parcels and subdivisions, to which the same are severally chargeable, and when so entered, shall have the same effect, and shall be collected and the payment thereof shall be enforced by sale, deed and other proceedings, in like manner as is now provided by law in cases of taxes and of assessments for other street improvements. No certificates shall be issued to contractors for laying any such water pipe, but the assessments and charges therefor and the proceeds thereof, when collected, as hereinbefore provided, shall belong to the fund for the construction, operation and maintenance of water works in said city, and shall be credited to said fund on the city treasurer's books, and shall be called the "water fund."

Acts of council ratified and confirmed.

SECTION 6. For the purpose of producing uniformity in the assessments for water pipe in said city of La Crosse, and to do equal justice as between property hereafter to be assessed therefor, as hereinbefore provided, and property which has already been benefited by laying water pipe in streets or alleys, on which the same fronts or abuts, entirely at the cost of the general fund of said city, and for the purpose of relieving said general fund from indebtedness incurred heretofore, in laying such pipe in front of lots so benefited as aforesaid, all acts of the common council of said city heretofore taken and had in reference to laying water pipes in said city, are hereby expressly ratified and confirmed, and all the work done and improvements made in pursuance and execution thereof, are hereby expressly confirmed and adopted by the legislature; and all lots and parcels of land and subdivisions thereof fronting and abutting on any line of such water pipe heretofore laid down in said city, opposite such line of pipe, and on both sides thereof, and which have not been assessed therefor, are hereby declared subject to be assessed, and shall be assessed for the same in the manner hereinafter provided.

List of lots subject to water assessment.

SECTION 7. The mayor, superintendent of water works, city surveyor and city attorney of said city of La Crosse, who shall then be in office, shall be and are hereby constituted a board of assessment, whose duty it shall be, at any time subsequent to the third Tuesday of April, 1881, and prior to the fifteenth day of June, 1881, to make or cause to be made, and to certify under their hands, a true list of all lots and parcels of land and subdivisions thereof, subject to water pipe assessment, in acordance with section six of this act. Such list shall show, in separate columns, the description of each parcel of land to be charged and assessed for water pipe already laid, the number of front feet thereof fronting or abutting upon any street or alley, or other thoroughfare or public ground through, along or across which, any line of water pipe has heretofore been laid as aforesaid, and the amount to be assessed and charged to each such parcel of land described therein for each line of pipe on which it may front or abut. Such amount shall be computed and ascertained at the same rate per front for each lot, parcel of land, and subdivision which is prescribed in section three of this act, as the charge to be assessed for pipe hereafter to be laid. In the case of corner lots and parcels of land and subdivisions thereof constituting the actual

corner, where pipe has been laid opposite both fronts or opposite the longer front only, one-third should be deducted from the aggregate frontage; where pipe has been laid opposite the shorter front only or opposite but one front, where the fronts are of equal length, no deduction shall be made; but in the cases last mentioned, such reduction of one-third shall be made, as required by section three of this act, when the second line of pipe shall be laid opposite any such corner lot or subdivision. Said list shall be filed in the office of the city clerk, on or before the fifteenth day of June, 1881. Upon the receipt and filing of said list by the city clerk, said clerk shall, as soon as practicable, and not later than ten days thereafter, publish a notice in the official paper of said city, stating in substance, that said list has been completed and filed, designating the streets or other thoroughfares or public grounds, and between what points therein the water pipe for which such assessment shall have been made is laid, and further stating that said list will remain in his office for the inspection of all persons interested, for sixty days from the first publication of said notice. Such notice shall be published daily in the official paper of the city for three successive weeks. The members of the said board of assessment shall, before entering upon their respective duties, take and subscribe the oath prescribed by the twenty-eighth section of the fourth article of the constitution of this state, and shall further be sworn to faithful performance of their duties under this act. Said oath shall be annexed to said list.

To correct errors in assessment.

SECTION 8. In case any person, interested in any land included in said list, shall complain in writing to said clerk, that water pipe has not been laid in front of said land, or that the same is therein assessed for more than the true number of front feet, or that deductions have not been made therefrom as required by this act, or that any other error has been made in such assessment or in computing the amount thereof, then the clerk shall report the same to the members of the board of assessment hereinbefore provided, who shall thereupon take all necessary steps to ascertain if any such error exists, and to correct the same. Any such error, which may be discovered in said list, after its delivery to the city treasurer, as provided in section nine of this act, shall be corrected in such manner as the common council may prescribe.

Duty of city clerk.

SECTION 9. Within ten days after the expiration of sixty days from the first publication of said notice,

the city clerk shall deliver the said list to the city treasurer of said city; and the said treasurer, upon receipt of said list by him, shall within ten days thereafter publish in the official paper of said city, once in each week, for four weeks, a notice describing and referring to said list, substantially as required in the notice mentioned in section seven hereof, and stating that the same is in his hands for collection, and that the assessments therein can be paid, and the lien thereof discharged by payment thereof to him at his office in the city of La Crosse at any time before the thirtieth day of November next thereafter. And thereafter, and until the expiration of the time mentioned in said notice, any person interested in any parcel of land mentioned in said list, shall be entitled to discharge therefrom the lien of the waterpipe assessment thereon, by paying to said treasurer the amount of such assessment without paying any interest thereon, or fees therefor, and all such payments shall be minuted on the margin of said list, provided that any person who may elect so to do, may pay to said treasurer in the same manner, within the time aforesaid, an amount equal to one-fourth of the said assessment against any parcel of land in which he may be interested, leaving the remaining three-fourths thereof to be collected in the manner hereinafter prescribed; and the payment of such one-fourth shall in like manner be minuted in the margin of said list.

Unpaid assessments to be entered upon the tax roll.

SECTION 10. After the expiration of the time mentioned in said treasurer's notice as aforesaid, the said city treasurer shall return to the city clerk, a true copy, verified by his affidavit, of said list with all payments as aforesaid minuted thereon, and said clerk shall thereupon charge said treasurer with the aggregate amount of all such payments. The city clerk shall enter in the tax roll of the city of La Crosse for the year 1881, in the column under the head of "water pipe assessments," opposite each description of land contained in said list, upon which such assessment remains unpaid, an amount equal to one-fourth of the entire assessment thereon; and in each year thereafter, and until the whole of such assessments shall have been paid or entered in the tax lists, the city clerk shall in like manner enter and extend upon the tax list of each year, opposite each description of land contained in said list, except those upon which such assessment shall have been theretofore paid in full, an amount equal to one-fourth of the entire assessment thereon; and such sev-

eral proportionate amounts and installments of such entire assessments, when so entered in and extended upon the several tax lists as aforesaid, shall be taken and deemed to be and shall remain valid separate liens upon the several lots and parcels of land opposite which they shall be separately placed in said several tax rolls, and and the same shall be collected and the payment thereof shall be enforced for sale, deed and other proceedings, in like manner as is now provided by law in case of general taxes, and of other assessments for street improvements placed upon the tax roll for collection.

Where parties have laid pipe at their own expense.

SECTION 11. In all cases where water pipes have heretofore been laid in the streets of the city of La Crosse by private parties, under agreement that the city should thereafter take said pipe and pay to said parties the cost of laying the same, when the city shall have executed such agreement and paid for such pipe, the lots and lands on both sides of any line of such pipe shall be assessed and charged therefor in the same manner and at the the same rate per front foot as is hereinbefore provided for other pipe heretofore laid. The board of assessment, whose duty it shall be to assess and make a list of the same, shall be composed in any year in which it shall be necessary to make such list, of the same officers mentioned in section seven of this act. The list shall be filed and reviewed within the same times in each year in which the same shall be made, and in the same manner, the same notices shall be given by the clerk and treasurer, and the unpaid assessments shall be inserted in the tax roll next thereafter to be made out and in the tax rolls of the three next succeeding years, in the same proportions or installments, in the same manner, and with the same effect, as hereinbefore provided.

Water tax, when collected, to be applied to the payment of city indebtedness for waterworks.

SECTION 12. All assessments authorized and provided for in sections six, seven, eight, nine, ten and eleven of this act, and the proceeds thereof, when collected, shall be applied by the common council to the payment of any indebtedness existing against said city, whether bonded or otherwise, arising from expenditures heretofore made in laying water pipe and building and operating pumping works in said city, or for any money borrowed by said city and applied and expended for the same purposes, and the balance, if any, shall be retained in and credited to the water fund on the city treasurer's books.

This act not to take effect unless sanctioned

SECITON 13 None of the provisions contained in this act, shall be in force until after the assent of the

by majority of tax payers who are legal voters.

tax-payers, who are legal voters, residents of said city of La Crosse, shall have been given thereto in the mode hereinafter provided, at the charter election to be held in said city on the first Tuesday of April, 1881, at the same several polling places provided and used for the charter election, the question shall be submitted to the vote of the tax-payers who are qualified electors in said city. No person shall be entitled to vote at such election unless he is a qualified elector of the polling precinct or ward in which he shall offer his vote, and is also a freeholder or holds lands under written contract for the purchase of the same, in said city, or a person assessed for personal property tax on the assessment roll of said city for the year 1880. The vote on said question shall be by ballot and in a separate ballot box, and those in favor of accepting and assenting to the provisions of this act shall vote a ballot on which shall be written or printed, or partly written or printed the words "for water pipe assessments," and those voting against accepting and assenting to the provisions of said act shall vote a ballot on which shall be written or printed, or partly written or printed, the words "against water pipe assessments." The said election shall in all other respects be held and conducted, and the canvass of the votes thereat made, and certified returns thereof, together with the poll lists and tally sheets, shall be delivered to the clerk of said city, in the same manner as is now provided by law for holding and conducting charter elections in said city, and canvassing, counting and returning the results thereof. The common council shall meet within one week after said election and canvass the returns and declare the result thereof, as it appears from the same. And if it shall appear from such canvass that a majority of the ballots cast at such election are "for water-pipe assessments," then the provisions of this act shall be and remain in full force, otherwise this act shall be null and void, and shall have no force or effect whatever. Notice of said election shall be given by the city clerk by advertisement in the official paper, within two days after this act is approved by the governor, to be published daily until the day of election, which advertisement shall be substantially in the form used in notifying charter elections in said city, and shall have annexed thereto and included as part thereof a copy of this act.

Extra inspector and clerk.

SECTION 14. The common council may appoint one extra inspector and one extra clerk for each election

precinct to act at the next charter election to assist in receiving and canvassing the votes.

SECTION 15. For the purpose of submitting the same to a vote, as herein provided, this act shall take effect when it is approved by the governor.

Approved March 24, 1881.

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[No. 494, A.] [Published March 28, 1881.]

## CHAPTER 180.

AN ACT in relation to mortgages to the school fund in school section addition to the city of Racine.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Satisfaction of mortgage to be accepted.

SECTION 1. The commissioners of the public lands are hereby authorized and empowered to accept in full satisfaction of the amount due to the school fund on account of any of certain mortgages on lots in or subdivisions of section sixteen (16), in school section addition to the city of Racine, executed in pursuance of chapter one hundred and eighty-one, laws of 1849, and chapter thirty-three, laws of 1851, and acts amendatory thereof, on which interest for more than two years shall remain unpaid on the thirty-first day of May, 1881, such sum of money as they shall deem best for the interests of the state and equitable to the present owners or occupants of such lots; and in case it shall be made to appear to the satisfaction of said commissioners that any of said lots have been washed away by the lake, as is believed, they are hereby invested with authority to cancel mortgages thereon for such reason, making explicit record thereof by their order duly executed, which order shall be noted on the face of such mortgages.

Evidence to be furnished the commissioners of public lands.

SECTION 2. The said commissioners may require such evidence of the non-existence of any of such lots or of the equitable rights of the present owners or occupants of any of such lots, and of the value thereof, as they shall deem best calculated to carry into effect the provisions of this act, for which they may incur an expense not to exceed twenty dollars in any one case, to be paid out of the fund to which the mortgages thereon belong; and whenever a settlement shall have been determined upon, the facts and circumstances relating thereto, shall be fully recited in their order, confirming the same.

SECTION 3. All acts or part of acts inconsistent with the provisions of this act, are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1881.

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[No. 448, A.] [Published March 30, 1881.]

## CHAPTER 181.

AN ACT to amend section twenty-seven of chapter eighteen of chapter one hundred and eighty-four of the laws of 1874, entitled "an act to revise, consolidate and amend the charter of the city of Milwaukee, approved February 20, 1852, and the several acts amendatory thereof."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Assignee of tax certificate to receive tax deed.

SECTION 1. Section twenty-seven, of chapter eighteen, of chapter one hundred and eighty-four, of the laws of 1874, entitled "an act to revise, consolidate and amend the charter of the city of Milwaukee, approved February 20, 1852, and the several acts amendatory thereof," is hereby amended so as to read as follows: Section 27. Any tract or lot of land sold in pursuance of this act, or any part thereof which shall not be redeemed within three years from the day of sale, shall be conveyed by the treasurer to the purchaser, or his assigns, as herein provided; and the assignee of any tax certificate by endorsement thereon, of any premises sold for taxes by virtue of this act, shall be entitled to receive a deed of such premises, in his own name, and with the same effect as though he had been the original purchaser: provided, that it shall not be lawful for the treasurer of the city of Milwaukee to issue tax deeds for taxes unpaid on any lot, part of lot, or parcel of land in said city of Milwaukee, unless three months' previous notice in writing of the application for such deed shall have been served upon the occupant or occupants thereof, if the same be occupied, and upon the owner or owners thereof, if known, and the proof of such service, by affidavit, shall be first furnished to and filed in the office of said city treasurer. Such service may be made personally, or by mailing such notice with the postage prepaid, to each person required to be served therewith, directed to such person at his place of residence, unless it appears that such residence is not known to the party applying for such tax deed and cannot with

Three months' previous notice of application for deed.

reasonable diligence be ascertained by him. But when such owner is a corporation having a general office or an agent in the state, such notice shall be served on said corporation in the same manner as is provided by law for the service of a summons upon such corporations in civil actions in the circuit courts. Like affidavit of service in either case shall be made and filed as is now required by law of the service of summons in civil actions in this state. No other notice of application for a tax deed shall be necessary in any case than that required in this section, and if the treasurer shall issue any deed for taxes without the foregoing provisions of this section having been complied with, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine of not less than five hundred nor more than one thousand dollars, and by imprisonment in the county jail, for a term of not less than six months nor more than one year, and his office shall be deemed vacated.

SECTION 2. This act shall take effect and be in force from and after the date of its passage and publication.

Approved March 24, 1881.

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[No. 216, A.] [Published March 29, 1881.]

## CHAPTER 182.

AN ACT to amend the charter of the city of Ahnapee.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section six of the charter of the city of Ahnapee is hereby amended by striking out the words "and one justice of the peace," where they occur in the fourth and fifth lines of said section, and inserting after the word "supervisor," where it occurs in the third and fourth lines of said section, the words 'three justices of the peace.' Ahnapee.

SECTION 2. The charter of the city of Ahnapee is hereby amended by adding thereto the following: On or before the twentieth day of May in each year the clerk shall make a list of the names of all male persons in the city of Ahnapee, over the age of twenty-one years, and under the age of fifty years, excepting disabled soldiers, who served in the late war, paupers, idiots and lunatics, with the amount of poll tax, which shall be one dollar and fifty cents, set opposite their several names, and submit the same to the common council for correction. When such list is corrected, and on or Poll lists.

before the first day of June in each year, the common council shall by order signed by the mayor and clerk, direct the street commissioners to forthwith proceed to the collection of such poll tax. The street commissioners shall demand the same once of each person named in the list, and if any person neglects to pay the same, for ten days thereafter, such street commisioners shall in the name of the city, sue for and collect the same with costs of suit before the police justice, and in default of payment of such judgment, execution shall be issued against the defendant, as in case of tort. Provided, however, that any person assessed to pay such poll tax, may appoint a time and place designated by the street commissioners, with such tools and implements as required, and work in person or by an able bodied substitute agreeably to the directions of the street commissioners; shall be credited on his poll tax one dollar and fifty cents for each day he shall actually work ten hours.

Collection of poll tax.

Exemption from poll tax.

SECTION 3. The common council may exempt from payment of such poll tax, all persons who are poor, and not able bodied, when it deems it proper to do so, and the street commissioner, while such list is in his hands for collection, may put upon the same the names of all persons, liable to such poll tax, as have been omitted therefrom, who shall then be liable, the same as if their names were originally placed in the list.

Poll tax money to be paid over to the treasurer.

SECTION 4. Such poll tax, when collected in money by the street commissioner, shall be paid over to the treasurer, taking a receipt therefor, and shall be expended, under the direction of the common council, and for such purposes and improvements as the council shall deem advisable, and the street commissioner shall, on or before the first day of December in each year, return to the city clerk the said poll tax list, with attached thereto a full statement of all his doings therewith and thereon, and also at the same time deliver to the clerk all receipts received by him from the city treasurer for money paid over to him.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved March 24, 1881.

[No. 126, S.] [Published March 26, 1881.]

# CHAPTER 183.

AN ACT to amend chapter one hundred and thirty-five of the laws of 1876, entitled an act to revise, consolidate and amend the charter of the city of La Crosse, approved February 19, 1869, and the several acts amendatory thereof, and changing the boundaries of wards.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Division of third ward.

SECTION 1. All that portion of the territory of the city of La Crosse lying south of a line drawn from the Mississippi river through the center of Cass street to the eastern boundary of the city, and now constituting the third ward of said city, shall be divided into two wards, numbered and bounded as follows: All that portion of said territory south of the center line of Cass street and west of the center line of Seventh street, and Seventh street extended to the south boundary of the corporate limits of said city, shall constitute and be known as the third ward of said city; and all that part of said territory lying south of the center line of Cass street and east of the center line of Seventh street and Seventh street extended as aforesaid, shall constitute and be known as the sixth ward of said city. The persons now serving as aldermen, school commissioner and justice of the peace, respectively, of the third ward, whose terms of office do not expire on the second Tuesday of April, 1881, and whose places of residence are within the boundaries of the sixth ward as herein constituted, shall continue in office as such officers respectively in and for the said sixth ward, until the expiration of the several terms for which they were elected, unless they shall sooner cease to be residents of said ward.

Boundaries of third ward.

Sixth ward.

Elective officers

SECTION 2. At the charter election in said city, to be held on the first Tuesday of April, 1881, the following officers shall be elected, namely: In and for the third ward as constituted by this act, one supervisor, one justice of the peace for one year to fill the vacancy caused by the alteration of the boundaries of said ward, one constable, one alderman for one year, and one alderman for three years; and in and for the sixth ward as constituted by this act, one supervisor, one constable, one alderman for two years and one alderman for three years, who shall hold their respective offices for the terms prescribed by this act to which this act is amendatory, and the laws of this state,

and all of said terms shall begin on the second Tuesday of April, 1881.

School commissioner.

SECTION 3. At the first meeting of the common council of said city, to be held in the afternoon of the second Tuesday of April, 1881, or within ten days thereafter, the common council shall elect one school commissioner for the third ward of said city as constituted by this act, whose term of office shall expire on the first Monday of January, 1882, and at the regular meeting of said common council in December, 1881, there shall be elected one school commissioner for the first ward, one for the third ward, and one for the fifth ward, to hold their offices for two years, and one commissioner for the sixth ward, to hold his office for one year from the first Monday of January, 1882, and until their successors are elected and qualified.

Inspectors and clerks of elections.

SECTION 4. The mayor of said city shall at the first meeting of the common council held after the passage of this act nominate to said common council the number of persons possessing the qualifications required by general law, to act as inspectors and clerks of election for the third and sixth wards respectively as constituted by this act, and who shall hold their offices until the second Tuesday of April, 1881. The common council shall, at the same meeting, take such measures as may be necessary to provide for, and give proper notice of the places of holding the election in the third and sixth wards of said city.

Superintendent of water works.

SECTION 5. All the duties of the office of superintendent of water works, established by ordinance of said city, as now prescribed, or as the same may hereafter be prescribed by the common council, shall after the second Tuesday of April, 1881, be performed by the same person, who shall thereafter hold the office of street commissioner, it being the intent hereof that the said two offices shall be consolidated, and that all the duties thereof shall be performed by one officer, who shall be annually elected by the common council at the time and in the manner now prescribed by the charter for the election of street commissioner. In all matters relating to the care and management of streets and public grounds he shall be called street commissioner; and in all matters relating to the care and management of water works he shall be called superintendent of water works. As compensation for performing the duties of said two offices such officer shall receive an aggregate salary to be fixed by the common council.

SECTION 6. Subdivision eleven of section three of subchapter four of chapter one hundred and thirty-five of the laws of 1876, is hereby amended so as to read as follows: 11th. To make and establish public pounds, pumps, cisterns and reservoirs; to provide for the erection of water works for the supply of water to the inhabitants of the city; to lay down water pipes; to establish water rates to be paid by persons using the water therefrom and to prevent unnecessary waste of water by any person or persons; to pass from time to time such ordinances as may be deemed necessary or expedient for the construction, regulation or protection of such water works and pipes and to enforce the same by suitable penalties; to regulate and license hacks, cabs, drays, carts and the charges of hackmen, draymen, cabmen and cartmen in the city; to erect lamps, and provide for the lighting of streets, public grounds and public buildings with gas or otherwise. Powers of common council.

SECTION 7. The common council of the said city of La Crosse shall have power, anything in the act to which this act is amendatory to the contrary notwithstanding, to cause any street or regularly established roadway in that part of the fifth ward outside of the settled portion thereof and that part of the city south of the La Crosse river, and east of Twelfth street or West avenue, to be graded, graveled or macadamized, to such width as said council may see fit, at the cost of the general fund of said city. After any such street or roadway shall have been improved as herein authorized, all the materials used or placed therein shall remain the property of said city and subject to be removed or otherwise disposed of as the common council may, by resolution, direct; and at any time after the making of any such improvements as herein authorized, the common council shall have power to proceed to order any such street or roadway to be improved in the manner provided by subchapter six of the act to which this act is amendatory, and the expense thereof shall be chargeable to and payable by the lots or other parcels of land fronting or abutting on the same as is provided in said subchapter for the first improvement of a street. Improving streets in fifth ward.

SECTION 8. Section two of sub-chapter thirteen of the act to which this act is amendatory, is hereby amended so as to read as follows: Section 2. Whenever any injury shall happen to any person or property in the said city of La Crosse, by reason of any defect or incumbrance of any street, sidewalk, alley or public City not liable for damages in certain cases.

ground, or from any other cause for which the said city would be liable, and such defect, incumbrance or other cause of such injury shall arise from or be produced by the wrong, default or negligence of any person or corporation, such person or corporation so guilty of such wrong, default or negligence, shall be primarily liable for all damage for such injury; and the said city shall not be liable therefor until after all legal remedies shall have been exhausted to collect such damages from such person or corporation.

In case of injury caused by neglect of contractor in repairing streets.

SECTION 9. Section three of subchapter thirteen of the act to which this act is amendatory, is hereby amended so as to read as follows: Section 3. Whenever any injury shall happen to any person or property at any place in the said city of La Crosse, where work of any kind or nature is being done in or on any street, sidewalk, alley or public ground, by any contractor or contractors under contract with said city, or any department or officer thereof, in consequence of the condition of any such street, alley, sidewalk, or public ground, arising from the doing of such work, or in consequence of the failure of any such contractor or contractors to keep up sufficient fences or protection guards to prevent damage or injury to persons or property, or in consequence of any other wrong, default or negligence in doing such work, such contractor or contractors, so guilty of causing or permitting such condition of such street, alley or sidewalk, or of such wrong, default or negligence, shall be primarily liable for all damages for such injury, and the said city shall not be liable therefor until after all legal remedies shall have been exhausted to collect such damages from such contractor or contractors.

Superintendent of schools.

SECTION 10. Section four of subchapter ten of the act to which this act is amendatory, is hereby amended so as to read as follows: Section 4. The board of education shall at its regular meeting, held on the first Monday of July, 1882, or within fifteen days thereafter, elect some suitable person, having the necessary qualifications, as city superintendent of schools, who shall hold his office until the first Monday in July, 1883, and until his successor shall be elected and qualified; and thereafter, the board of education shall annually, at its regular meeting, on the first Monday of July of each year, or within fifteen days thereafter, elect a city superintendent of schools, whose term of office shall commence on the first Monday of July, and said superintendent shall continue in office one year,

and until his successor is elected and qualified, unless removed by a two-thirds vote of the common council, for misconduct or other sufficient cause. And it shall be the duty of the school board to supply by election any vacancy which may occur from time to time in said office of school superintendent, by resignation death or otherwise.

Term of office of school superintendent.

SECTION 11. Section five of subchapter ten of the act to which this act is amendatory, is hereby amended so as to read as follows: Section 5. The present term of the school superintendent shall continue under this act until the first Monday of July, 1882.

Duties of the board of education.

SECTION 12. Section eight of said subchapter ten of the act to which this act is amendatory, is hereby amended so as to read as follows: Section 8. The duties of the board of education shall be as follows: 1st. To elect at its regular meetings in July, or within fifteen days thereafter, a city superintendent of schools; if such election shall not take place at or within the time aforesaid, the said superintendent shall be elected by the common council at some regular meeting thereafter. 2d. To decide on the number of teachers to be employed, the grade of schools to be kept by each, and the salary to be paid to each, and to arrange and determine the terms and vacations in the public schools of the city; to establish uniformity in the school system, and to require and secure uniformity of text books and to adopt and change text-books: provided, that when a text-book or series of text-books have been adopted, the same shall not be changed for a period of three years from the date of their adoption. 3d. To establish rules and regulations for the schools, not in conflict with the constitution and laws of this state, and from time to time to alter, modify or repeal the same as it may deem expedient. 4th. In the name of the city of La Crosse to employ and contract with all teachers, and all such contracts shall be made in duplicate and shall be signed by the teacher and by the board of education in behalf of the city, or by some member of said board designated for that purpose by resolution of said board, and one copy shall be filed with the clerk and the other copy delivered to the teacher signing the same. 5th. To audit each and every indebtedness of said city created for school purposes. 6th. To superintend and manage the schools in said city, and to have the custody and supervision of all property of the city used for school purposes.

Salary of school superintendent

SECTION 13. Section seventeen of said subchapter ten of the act to which this is amendatory, is hereby amended so as to read as follows: Section 17. The city superintendent of schools shall receive an annual salary which shall be determined from year to year by the board of education and which shall be paid monthly out of the school fund of said city.

Council may issue bonds to pay certain indebtedness.

SECTION 14. The common council of said city shall, in addition to the powers conferred upon all municipal corporations by sections nine hundred and sixty *a* to nine hundred and sixty *e*, inclusive, of the revised statutes, have power to issue bonds or certificates of indebtedness of said city, to raise a sufficient amount of money to pay any indebtedness of said city heretofore lawfully incurred, of whatever kind or nature, and whether the same be evidenced by bonds or by certificates of indebtedness issued to the commissioners of public lands, subject, however, to all restrictions contained in the sections of revised statutes above mentioned in reference to the amount, time, rate of interest and mode of sale of the bonds therein authorized; and the proceeds thereof may be applied to the payment of any indebtedness of said city lawfully incurred which may be designated by the common council in ordering such new issue of bonds.

Restricting powers of council.

SECTION 15. Neither the mayor nor clerk shall sign or issue any city orders or other evidences of debt in excess of the amount which the city is authorized to appropriate under the provisions of the act of which this act is amendatory. Nor shall the common council or any officer or agent of said city make any appropriation or contract, or create or incur any indebtedness against the city of La Crosse in excess of the amount authorized by the city charter, and every mayor, clerk, alderman or other officer of the city violating any of the provisions of this section shall forfeit not less than twenty-five dollars nor more than one hundred dollars for each offense, provided that the penalty herein shall not apply to any indebtedness existing at the time of the passage of this act, nor to appropriations or temporary loans for the necessary expenses of maintaining the police and fire departments of the city.

Repealed.

SECTION 16. All acts and parts of acts conflicting with the provisions of this act, are hereby repealed.

SECTION 17. This act shall take effect and be in force from and after its passage.

Approved March 24, 1881.

[No. 487, A.] [Published March 26, 1881.]

## CHAPTER 184.

AN ACT to amend sections one and two, of chapter two hundred and four, of the laws of 1878, entitled "an act to provide for the laying out of a state road from Ahnapee, Kewaunee county, to intersect the Green Bay and Sturgeon Bay state road in the town of Nassewaupe, Door county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Sections one and two, chapter two hundred and four, of the laws of 1878, are hereby amended so as to read as follows: Section 1. G. G. Berge, Martin Hayes, John Ihlenfeldt, J. P. Simon and James H. Lockhardt, are hereby appointed commissioners to lay out and establish a state road commencing at a point where the town line between twenty-five, twenty-five (25-25) and twenty-five, twenty-six (25-26) intersects with the Ahnapee and Clay Banks road in Kewaunee county; thence north on the town line between twenty-five, twenty-five (25-25) and twenty-five, twenty-six (25-26), Kewaunee county; thence north on the town line between townships twenty-six, twenty-five (26-25) and twenty-six, twenty six (26-26), twenty-seven, twenty-five (27-25), and twenty-seven, twenty-six (27-26), until the same intersects with the Green Bay and Sturgeon Bay state read in Door county. Route of road.

SECTION 2. Any three of said commissioners shall constitute a quorum for the transaction of business, and shall be entitled to such compensation for laying out said road as the boards of supervisors of the respective counties through which such road may pass, shall deem sufficient: provided, that no compensation shall be allowed for laying said road over any road that may have been heretofore established; and further provided that said road shall be laid out in accordance with the state laws in relation to state roads. Quorum and compensation of commissioners.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1881.

[No. 385, A.] [Published March 26, 1881.]

## CHAPTER 185.

AN ACT to amend section three thousand four hundred and eighteen, of the revised statutes, being a part of chapter one hundred and forty-seven of said statutes entitled "of the writ of habeas corpus."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Service of writ, when completed.

SECTION 1. Section three thousand four hundred and eighteen of the revised statutes, is hereby so amended as to read as follows: Section 3418. The service of such writ shall not be deemed complete until the party serving the same tenders to the person in whose custody the prisoner may be, if such person be a sheriff, coroner, constable, police officer of any city, or marshal, the fees allowed by law for bringing up such prisoner, nor unless when required by such officer, he shall also give him a bond in double the amount of the sum for which such prisoner may be detained, if he be detained for any specific sum of money, and if not, then in the sum of one thousand dollars, conditioned that such person will pay the charges of carrying back such prisoner if he shall be remanded, and that he will not escape by the way, either going to or returning from the place to which he is to be taken, and if such prisoner be not in the custody of any sheriff, coroner, constable, police officer of any city, or marshal, and the officer allowing such writ shall have required that the charges of bringing up such prisoner shall be paid by the petitioner, then until such charges shall have been tendered to the person in whose custody such prisoner may be, no fees or charges need be paid or bond given when service is made, as provided in the third subdivision of the second preceding section.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1881.

[No. 370, A.] [Published March 26, 1881.]

## CHAPTER 186.

AN ACT authorizing the governor to execute and deliver patents to the Chicago, Saint Paul, Minneapolis and Omaha railway company, its successors and assigns.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The governor is hereby authorized and empowered to execute and deliver to the Chicago, Saint Paul, Minneapolis and Omaha railway company (a corporation created by due consolidation, under the laws of Wisconsin, of the North Wisconsin and Chicago, Saint Paul and Minneapolis railway companies), its successors and assigns, a patent or patents for any and all lands earned (and not the subject of litigation or adverse claim) by the West Wisconsin railway company, by the construction of its railway to the lake Saint Croix, and to which the said Chicago, Saint Paul, Minneapolis and Omaha railway company is or may be entitled as the successor of said West Wisconsin railway company. Patents for lands to be issued by governor.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 24, 1881.

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[No. 345, A.] [Published March 29, 1881.]

## CHAPTER 187.

AN ACT to establish a public school system in the city of Appleton, and amendatory of chapter forty-seven of the laws of 1876, entitled an act to codify, consolidate and amend an act to incorporate the city of Appleton, and the several acts amendatory thereof.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. All territory within the present corporate limits of the city of Appleton, and all territory which may hereafter become attached to and incorporated in the limits of said city, shall constitute one school district. School district.

SECTION 2. There shall be elected by the qualified electors in each ward of said city of Appleton, on the third Monday of June, 1881, two school commissioners, who shall be residents of the ward in which they are elected one of whom shall be elected for one year and one for two years, and there shall be elected Two school commissioners in each ward.

on the third Monday in June, in each and every year thereafter, in each ward of said city, one school commissioner who shall hold his office for the term of two years, and such commissioners shall, within ten days after their election, take the oath of office prescribed by law, and shall hold their offices until their successors are elected and qualified.

Where election to take place.

SECTION 3. The election of such commissioners shall be held in the oldest school house in each ward of said city, on the evening of the third Monday of June, in each year. The polls shall be opened at seven o'clock and closed at nine o'clock P. M. The inspectors and clerks of such election shall be the same persons as constituted the board of inspectors at the last preceding charter election in each of the wards of said city, and it shall be the duty of said inspectors and clerks to be present at such election of school commissioners, and perform the duties herein required of them. And in case of their absence or a vacancy in their number, the same may be filled by the other member or members present from among the electors of said ward. And such inspectors shall, before entering upon their duties, take the customary oath as required by law, and such election shall be conducted in the same manner as the charter elections of said city. The voting shall be by ballot, on which shall be written or printed the name or names of the persons voted for, for such commissioners; and at such first election, the names and terms of office of the persons voted for. And when the polls are closed at nine o'clock P. M., the ballots shall be publicly counted and canvassed in the usual manner, and the result of such election declared, and said inspectors shall certify the names of the persons voted for, and the number of votes received by each, and the person or persons by them declared elected. And such certificate shall be filed in the office of the city clerk of the city of Appleton; and such inspectors and clerks shall each be entitled to receive the sum of one dollar for their services, to be paid out of the school fund of said city. Due notice of such election shall be given by the said city clerk by posting at least ten notices of such election in ten of the most conspicuous places in each of the wards of said city, at least ten days prior to such election.

Inspectors and clerks.

Ballots.

Term of school commissioners.

SECTION 4. The term of office of said commissioners of common schools shall commence on the first Monday of July of each year. Said commissioners shall meet on that day, and elect one of their number president for

one year; and they shall also at their first meeting elect a superintendent of common schools for said city, and a clerk, who may be one and the same person, but neither of whom shall be a commissioner; and they shall hold their offices for two years, and until their successors shall be elected and qualified, and who shall take the oath of office prescribed by law.

Election of school superintendent.

SECTION 5. The commissioners of common schools herein named shall be styled the board of education of the city of Appleton, a majority of whom shall constitute a quorum and authorized to do business; and they shall hold monthly meetings on the first Tuesday of each and every month. The said commissioners shall receive no compensation for their services.

Board of education.

SECTION 6. The president of the board of education shall preside at all meetings of the board when present, and in case of his absence the board shall elect one of its number to preside, who shall be acting president pro tem.

President of board.

SECTION 7. The superintendent shall examine all teachers making application for schools, such examinations to be public, and he shall grant certificates to such peason as may be entitled to receive the same, under such rules and regulations as the board of education may prescribe. He shall visit each of the common schools of said city at least once a month and report their condition to the board of education, with such suggestions for their improvement as he may deem proper. He shall also perform such other duties with respect to such schools as the board of education and the common council of said city may require, and it shall be his duty to take the census of the children of said city as the law requires.

Duties of school superintendent.

SECTION 8. The clerk of said board of education shall keep a record of the proceedings thereof, and perform such duties as the board may prescribe. He shall keep a record of the examination of all teachers and make out the certificates granted to teachers, and such record, duly certified by the president of the board and clerk, shall be received in all courts as prima facie evidence of the facts therein set forth; and such record and the books and accounts of said board shall at all times be subject to examination and inspection of the city council or a committee appointed by them for that purpose.

Duties of clerk of board.

SECTION 9. It shall be the duty of the city clerk immediately after the election of any person as a commissioner of common schools, to notify him either per-

Duty of city clerk

sonally or in writing, of his election, and if such person shall not within ten days after receiving such notice, take and subscribe the constitutional oath and file the same with the clerk of said city, the common council may consider it a refusal to serve, and proceed to fill said vacancy by appointing some suitable person in the ward from which such person was elected who refused to qualify, who shall hold his office until the next school election.

Duty of common council.

SECTION 10. It shall be the duty of the common council of said city to pass such ordinances and regulations as the board of education may report to them as necessary and proper for the preservation and protection of the school houses, sites and all other property belonging to and connected with the public schools of said city, and impose proper penalties for the violation thereof; and all such penalties shall be collected in the same manner as penalties for the violation of other city ordinances, and shall be paid to the city treasurer, and be subject to the order of the board of education, and shall be expended by said board for the use of the schools of said city.

Title of school property to vest in city.

SECTION 11. The title to all the school houses, sites, furniture, books and apparatus shall become and be vested in the city of Appleton, and the same while used for school purposes shall not be levied upon or sold by virtue of any warrant or execution, nor be subject to taxation for any purpose whatsoever.

School houses and sites may be sold.

SECTION 12. Whenever said board of education shall report to the common council that it is advisable to sell any of the school houses or sites now or hereafter, belonging to said city, it shall be the duty of said common council to dispose of the same; but no such conveyance of real estate shall be made except upon the recommendation of said board of education, nor shall any school houses or sites for school houses belonging to said city for school purposes, be sold or used for any other purpose, without the consent of said board of education.

Appointment of commissioners to fill vacancies

SECTION 13. The mayor and common council of said city are authorized and required to make appointments of commissioners of common schools to fill vacancies which may occur from any other cause than the expiration of the term of office for which they were elected, and such appointees shall hold their offices until the next regular school election when such vacancy shall be filled by election.

Removal for

SECTION 14. Any commissioner of common schools

in said city, and the superintendent of said schools, may be removed from office for official misconduct, by the common council by a vote of two-thirds thereof, but in all cases shall be granted a full and fair hearing before removal.

Official misconduct.

SECTION 15. The said board of education shall have power, and it shall be its duty: 1. To establish, organize and maintain such, and so many schools, in such places in the said city of Appleton, as it may deem expedient and necessary, and to discontinue the same. 2. To purchase or lease school houses and school house sites, and to fence and otherwise improve the same as it may think proper. 3. Upon such school house sites as are now owned, or that may hereafter be purchased by said city, to build, enlarge, improve and repair school houses and outhouses as it may think proper. 4. To purchase, exchange, repair or improve school apparatus, furniture, and school library and text books for indigent pupils, and to provide fuel for the schools, and defray all expenses connected with and in the care and management of the same. 5. To establish and maintain such night or evening schools for the accommodation of the children of the city who are unable to attend the day schools. 6. To have the custody and safe keeping of the school houses, outhouses, books, apparatus, belonging to the schools in said city, and see that the ordinances of the common council relating thereto are strictly observed. 7. To employ and contract with all teachers in the common schools to whom the necessary certificates may have been given by the superintendent, and at its pleasure to remove them for sufficient cause: provided, that no contract for the employment of teachers shall be extended beyond the first day of July, succeeding the date of such contract. 8. To have, in all respects, the supervision and management of the common schools in said city, and from time to time to make, alter, modify and repeal, by and with the advice and concurrence of the superintendent, as it may deem expedient, such rules and regulations for the organization, government and instruction of the common schools of said city as it may think necessary, and to make all such rules for the reception of pupils from other districts, and the transferring of pupils from one department to another and promoting the advanced pupil to the higher grades, and generally make all such rules and regulations for the general prosperity and utility of said schools. 9. To establish such a uniform system of grading said schools

Powers and duties of board of education.

as shall promote the advancement of the pupils therein. 10. To make all such rules and regulations in regard to the examination of teachers as it may deem proper: provided that such examinations shall always be conducted by the superintendent, or in case of his absence or inability, some competent person appointed by the board in its presence, or in the presence of a committee appointed by the board.

Non-resident students.

SECTION 16. The said board of education shall have power to allow children of parents not residents of the city to attend any of the schools of the city, and to fix the amount of tuition to be paid by them, and the terms upon which they may attend school.

School library.

SECTION 17. The said board shall have power to order money to be raised for school library purposes, and for the purchase of school apparatus: provided that the amount raised in any one year shall not exceed one mill on a dollar on the valuation of the property of the city as shown by the last assessment, and it shall be trustees for said school library, and shall provide rules and regulations for the management of the same, and shall expend all money appropriated by law or gifts for enlarging and establishing the same.

Statement of receipts and disbursements.

SECTION 18. The said board shall each year prepare a correct statement of all receipts and disbursements of school moneys during the preceding year, specifying from what source received and for what purpose expended, which statement shall be published at least one week in some weekly newspaper published in the city of Appleton, as soon as practicable after the close of the school year.

School tax.

SECTION 19. The said board of education shall have power to cause such sums of money to be levied annually upon the taxable property of said city as it may deem necessary for defraying the current expenses of the public schools of the city, but such sum shall not exeeed in any one year the sum of one thousand dollars, over and above the current expenses of the schools of said city, levied for the previous year, without the consent of the common council shall be first obtained.

Tax for school houses and sites

SECTION 20. The said board of education shall also have power to cause such sums of money to be levied annually upon the taxable property of said city, as it may deem necessary, for the purchase of school house sites, or for building of school houses: provided, that the amount so ordered to be levied shall not exceed in any one year the sum of one thousand dollars; but in case a greater sum than one thousand dollars shall at

any time be voted to be raised by the said board of education for school house sites or for building school houses, a petition particularly setting forth the amount which it is desired to raise and the purpose for which the same is to be used, shall be presented to the common council of said city at any regular meeting of said council, and if a majority of said council shall approve of the purposes for which the same is to be used, and the amount to be raised, then said sum so ordered to be levied shall be placed upon the assessment roll of said city and collected with the other school taxes.

School fund.

SECTION 21. All moneys levied and raised for either the purchase of sites for school houses, or the building of the same, or for the purpose of defraying the current expenses of the public schools, shall, after the same shall be collected, constitute one fund, subject to the control of the board of education.

Board to file certificate stating amount of tax to be raised.

SECTION 22. It shall be the duty of the board of education to file with the city clerk of said city of Appleton, on or before the first day of November of each year, a certificate in writing, stating the amount of money to be raised, as lawfully determined by said board, either for general current expenses, or for school house sites and for building school houses, under such limitations and restrictions hereinbefore specified, which certificate shall be signed by the president and clerk of said board of education, and it shall be the duty of the city clerk to place the same in the tax roll for that year and the same shall be collected in the same manner as other city taxes, and shall also file with said city clerk on or before the said first day of November each and every year a report particularly setting forth the sums expended the preceding year, under their appropriate heads, for teachers' wages, current expenses, and for building and repairing school houses, and also all sums that may have been received by said board of education.

City treasurer accountable.

SECTION 23. All moneys raised by this act for school purposes shall be held by the city treasurer, who shall be accountable therefor in the same manner as for other moneys of the city.

Duty of city treasurer.

SECTION 24. All moneys coming into the hands of the city treasurer by any provisions of law, by gift or otherwise, for the use and benefit of the public schools of said city, shall be placed by him to the credit of said board of education, and such moneys shall not be paid out by him except upon orders drawn upon him by the president of the board of education, and countersigned by the clerk; and no such orders shall be drawn ex-

cept by resolution of said board of education, and shall be made payable to the persons entitled to receive the same.

Salaries.

SECTION 25. The common council shall have power, and it shall be its duty upon the recommendation of the board of education, from time to time, to fix the salaries of the superintendent of common schools of said city, and the clerk of the said board of education; said salaries shall be fixed at the first meeting of the common council after the election of said superintendent and clerk.

Suits upon official bond of treasurer.

SECTION 26. The said board of education may cause a suit or suits to be commenced and prosecuted in the name of the city of Appleton, upon the official bond of the treasurer of said city for any default, delinquency or official misconduct in relation to the collection and safe keeping and disbursements of any school money that may come into his hands.

Common seal.

SECTION 27. The board of education shall have power, and it shall be its duty, to procure a common seal for the use of said board of education.

Offices of superintendent and clerk.

SECTION 28. The office of superintendent of common schools and clerk of the board of education shall be held by one and the same person until otherwise provided by the board of education.

School bonds.

SECTION 29. In case the board of education of said city shall, at any time, deem it necessary to raise a greater sum of money for purchasing school house sites, or for building school houses, than it would be thought advisable to raise by tax in any one year, it may, by and with the consent of the common council of said city, issue bonds for a sum not exceeding in any one year ten thousand dollars, and at a rate of interest not exceeding seven per cent. per annum, and running not more than ten years, and said bonds shall not be sold for less than the face of the same. Said bonds shall be signed by the president of the board of education, and countersigned by the clerk.

Appraisement and valuation of school property.

SECTION 30. It shall be the duty of the board of education, immediately after the first meeting and the organization of the board, to examine into and make an appraisement and valuation of the school property belonging to each of the school districts in said city; and in case it finds that any district or districts have a larger amount of property in proportion to the assessed valuation of property in said district, then said board shall equalize the same, and charge up to the district having the least property an amount sufficient to

equalize it with the other districts, and in those districts possessing the most school property it shall credit an amount sufficient to equalize the same with the other districts; and in making such adjustment it shall shall take into account all indebtedness of any district in equalizing said school property, and upon the final equalization and adjustment of all the property of said districts, it shall report the same to the common council, which shall apportion the same on the next tax roll of said city, and the city of Appleton shall assume and pay all indebtedness of any of said school districts. And in case any school district shall be dissatisfied with such appraisement and adjustment by said board of education, and shall file a remonstrance against the same, as being unjust with the common council of said city, then said common council may appoint two disinterested freeholders of said city, who shall not be residents or property holders in such district, and they shall reappraise and readjust the school property of such district or districts and report the same to the common council, and such report shall be final and conclusive upon such district.

Term of present school officers.

SECTION 31. The present school officers in the several school districts of the city of Appleton shall hold and execute their respective offices until the first Monday of June next, when each and all shall deposit with the said board of education all the books, papers and effects of every name and kind in their custody, and pertaining to their respective offices, and the treasurers of said districts shall deposit with the treasurer of the city of Appleton all funds in their hands belonging to their respective districts, and take his receipt therefor, and file the same with the said board of education.

High school.

SECTION 32. No money shall be appropriated from the school fund and paid out to maintain a high school, until the question shall have been submitted to the qualified voters of said city, at the regular charter election, and adopted.

This act not to take effect unless approved by vote of electors.

SECTION 33. This act shall not take effect or be in force until after the same shall have been submitted to a vote of the electors of the city of Appleton, at the charter election of said city, appointed to be held on the first Tuesday of April, 1881. All ballots cast at said election in favor of this act shall have written or printed on them, "for union schools," and all ballots cast against it shall have written or printed on them, "against union schools," and in case a majority

of such ballots cast relating to this law at said election shall be for union schools, then, and in that case, this act shall immediately take effect and be in force. All such ballots cast shall be counted and canvassed by the several boards of inspectors of election of said city, in the same manner as the other votes cast at said election, and the same shall be returned by the said inspectors to the city clerk, and the common council of said city shall, within the time appointed by law, canvass the same and declare the result.

Repealed.

SECTION 34. So much of all acts or parts of acts as conflict with the provisions of this act, are hereby repealed.

SECTION 35. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1881.

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[No. 394, A.] [Published March 29, 1881.]

## CHAPTER 188.

AN ACT to amend section three, chapter five hundred and eighty-six, private and local laws of 1867, in relation to dams.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

When tolls may be charged.

SECTION 1. Section three of chapter five hundred and eighty-six, laws of 1867, is hereby amended so as to read as follows: When the said James Meiklejohn, his associates and assigns, shall have completed the said dam and slide as aforesaid, they are hereby authorized and empowered to receive and collect from the owners of all rafts, lumber, logs, timber and other material passing over such slide, as a compensation for maintaining and keeping in repair such slide, the tolls hereinafter specified, to-wit: Two cents for each thousand feet of sawed lumber, or lumber in logs, scale measure, or in lieu thereof, one-fifth of one cent for every log not over twenty feet long, and one-half cent for every log over twenty feet long, which shall be paid the said James Meiklejohn, his associates or assigns, after the logs are rafted, and the amount shall be ascertained, either by the scale, or by count of the superintendent of the Wolf river boom company, and the said James Meiklejohn shall hold a lien on all logs or lumber run over said dam for the amount above specified, which lien may be enforced in the same manner as the lien of laborers on logs: provided that he shall at all times

Tolls.

comply with the provisions of section two of said chapter five hundred and eighty-six of the private and local laws of 1867, in furnishing water to flood said logs or lumber out of the Little Wolf river.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1881.

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[No. 365, A.] [Published March 29, 1881.]

## CHAPTER 189.

**AN ACT to amend chapter one hundred and ninety-three of the laws of 1880, entitled an act to provide for service of process upon transportation companies.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one of chapter one hundred and ninety-three, of the laws of 1880, is hereby amended so as to read as follows: Section 1. Every association, company or corporation, domestic or foreign, not duly organized and incorporated under the laws of this state, formed for the purpose of transporting of passengers or property, either by boats, vessels, rail, stages or other means, doing or desiring to do any business in this state, before doing any such business, shall first deposit in the office of the secretary of state a written instrument, duly signed by the president and secretary thereof, and under their seal, if they shall have such officers and seal, otherwise by the principal officer thereof, and therein appoint an attorney to reside in this state, and have an office therein, specifying his place of residence and office, upon whom and where any summons, notice, pleading or process of any court of this state, or in any action therein, may be served, and shall therein stipulate that any service of any such summons, notice, pleading or process, upon any such attorney, or in his absence at his said office, in any action brought against it in this state, upon any cause of action arising out of any business or transaction in this state, shall be accepted irrevocably as a valid services upon such associaiton, company or corporation, unless another attorney shall be subsequently appointed with like authority in his stead, such authority shall be continued unrevoked while any liability remains outstanding against said association, company or corporation in this state, and such appointment shall not be revoked until another be made, and a like written instrument

**Certain corporations to appoint attorneys to reside in this state.**

**Service of process.**

of appointment deposited and filed as aforesaid. The service aforesaid may be made by any sheriff or proper officer of this state, or any person not a party to the action. No such association, company or corporation shall do any business within this state until they comply with the provisions of this act. Any violation of any of the provisions of this section shall for the first offense subject the company, corporation, association or any agent or agents, person or persons acting for any company, corporation or association so violating, to a penalty of five hundred dollars, to be sued for and recovered in the name of the state with costs and expenses of such prosecution, by the district attorney of any county in which the company, corporation, association, agent or agents, person or persons shall be located or may transact, or attempt to transact, business, without first complying with the requirements of this act, and such penalty, when recovered, shall be paid into the treasury of such county for the benefit of the school fund. Every subsequent violation shall subject the company, corporation, association, agent or agents, person or persons, guilty of such violation, to the penalty of not less than one thousand dollars, which shall be used for, recovered and disposed of in like manner as for the first offense: provided, however, that nothing herein contained shall be construed as repealing or in any manner affecting the provisions of chapter one hundred and twenty of the revised statutes of 1878, entitled of the manner of commencing civil actions.

Service, by whom to be made.

Penalty for violation.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1881.

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[No. 348, A.] [Published March 26, 1881.]

## CHAPTER 190.

AN ACT to provide for a settlement between the counties of Shawano and Langlade.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Commissioners

SECTION 1. D. H. Pulcifer and George W. Radcliffe are duly constituted a board of commissioners, for the purpose of making a permanent settlement of all accounts now existing between the counties of Shawano and Langlade.

In case of disagreement.

SECTION 2. In case the above named commissioners

shall be unable to agree, they, or either of them, shall apply to the circuit judge of the tenth judicial circuit, who shall appoint some disinterested person as a commissioner, who shall act with the other two commissioners in making a settlement between the said counties of Shawano and Langlade, and the settlement so made shall be held to be final and binding between the two counties.

First meeting.

SECTION 3. The commissioners shall meet in the village of Shawano, in Shawano county, on the second Tuesday in May, 1881, for the purpose of making the settlement provided for in this act, but may adjourn, if they deem it necessary, but not beyond the first day of August, 1881.

Appointment to fill vacancy.

SECTION 4. In case either of the above named commissioners shall from any cause be unable to act, the circuit judge of the tenth judicial circuit shall appoint some one residing in the county in which the commissioner resided who was unable to serve, and the person so appointed shall constitute one of the commissioners, under the provisions of this act.

Compensation.

SECTION 5. The commissioners provided for in this act shall receive three dollars per day for all the time actually spent in the discharge of their duties, and ten cents a mile from their place of residence to the place of meeting and return, each county to pay one-half of the expense incurred in making the settlement.

Duty upon completion of settlement.

SECTION 6. When the commissioners shall have completed the settlement provided for in this act, they shall file a certified statement of the same with the county clerk of each of the counties of Shawano and Langlade, together with a statement of the amount due them for per diem and mileage, with affidavit attached. Then the clerk and chairman of each of the counties of Shawano and Langlade shall issue county orders to them for the amounts due for services and mileage, as provided for in section five of this act, each county to issue orders for one-half the amount due.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1881.

[No. 280, A.] [Published March 29, 1881.]

## CHAPTER 191.

**AN ACT to amend chapter two hundred and sixty, of the laws of 1877, entitled an act to revise, consolidate and amend the charter of the city Stevens Point, approved May 17, 1858, and the several acts amendatory thereof.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Action against city.**

SECTION 1. Section eight of chapter six of said act, is hereby amended so as to read as follows: No action shall hereafter be maintained by any person against the city of Stevens Point, upon any claim or demand other than a city bond or order unless such person shall have first presented his claim to the city council of said city. It is hereby declared to be the duty of the owners of lots fronting on any street, alley, lane or highway in said city, upon which a sidewalk has been constructed in pursuance of any ordinance or by-law of said city, to keep the sidewalk in front thereof, in good and safe condition, and in case of injury to any person which may have been caused by the neglect of such lot owner to keep the sidewalk in front of such lot in proper repair, such owner shall be liable to said city and for any sum which said city may become liable to pay as damages for such injury caused by such defective sidewalk.

**Security for costs.**

SECTION 2. Chapter ten of said act is hereby amended by adding thereto, sections seventeen and eighteen which shall read as follows: Section 17. The justice may require of the complainant to give security for costs, as in civil cases, security may be required of the plaintiff, and if he refuses, the justice may in his discretion dismiss the complaint. Section 18. If the court, before whom the trial is had, shall certify in his docket that the complaint was willful and malicious and without probable cause, he shall enter a judgment against the complainant, to pay all the costs that shall have accrued to the court and sheriff or constable and jury, and the fees of witnesses in the proceedings had upon such complaint, the complainant may stay such judgment for thirty days by giving satisfactory security by bond to the state, with one or more sureties, conditioned for the payment of such judgment at the expiration of thirty days, but if the complainant shall neglect to give said security, or shall neglect to pay such costs, then in such case, the court before whom the cause is tried, may issue execution upon said judg-

**Willful and malicious complaint.**

ment against the person of the complainant in the same manner and to the like effect as is now provided by law in cases where execution may issue against a defendant in actions founded in tort, but the defendant in such judgment, shall have the right of appeal therefrom as in civil cases tried before a justice of the peace, and the case shall be tried and determined by the court on such appeal upon the records and evidence in the case, duly certified and returned by the magistrate.

Amendment.

SECTION 3. Section twelve, of chapter eleven, of said act, is hereby amended by striking out and omitting the words, "except that personal property shall not be seized or sold for the payment thereof," wherever they occur in said section.

Who liable for poll tax.

SECTION 4. Section sixteen of chapter thirteen, of said act, is hereby amended so as to read as follows: Every male inhabitant in the city of Stevens Point, over twenty-one years of age and under fifty, except active members of the fire department and those otherwise exempt by the general laws of this state, shall pay into the city treasury annually the sum of one dollar and fifty cents as a poll tax. It shall be the duty of the assessor of the city of Stevens Point during the month of April of each year to make out duplicate lists of all persons liable to said tax, in the city of Stevens Point, and said assessor shall on the last Monday of April of each year, deliver one of said lists to the city clerk and one to the treasurer of said city of Stevens Point, and both of said lists shall be signed by the mayor and countersigned by the city clerk. The city clerk shall annex to each of said lists a warrant signed by the mayor and city clerk which shall be in substance in the following form:

Form of warrant.

To A. B., treasurer of the city of Stevens Point: You are hereby required to collect from the several persons named in the annexed tax list, the taxes set opposite to such persons within the time limited by law, and to apply the taxes by you so collected, and make due return thereof, as required by law.

Dated —— day of ——, 18—.

—— ——, City Clerk,
—— ——, Mayor.

The said treasurer shall thereupon immediatety proceed to collect the same. The moneys collected as herein provided for shall be kept as a distinct fund, and shall be expended for the benefit and improvement of the streets of the city of Stevens Point. The

Board to determine liability for poll tax.

mayor, city clerk and treasurer shall constitute a board to determine the liability of persons to pay such tax and all persons claiming to be exempt from such tax, must apply to said board within twenty days from the time when said lists shall be delivered to the treasurer as aforesaid. The city treasurer shall collect the same fees for collecting said tax as he does for collecting taxes assessed upon real and personal property: provided, that if any person desires to, he shall be permitted to perform one day's work upon the streets of the city in the ward in which he resides, and the certificate of the street committee, that such person has performed one full day's labor shall be received by the city treasurer in full discharge of such tax.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1881.

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[No. 267, A.] [Published March 29, 1881.]

## CHAPTER 192.

AN ACT to provide for recording certain instruments.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Acknowledgment by minor.

SECTION 1. Any instrument in writing signed and sealed by any person of lawful age, who, when an infant, was under guardianship, whereby such person shall state that he is twenty-one years of age, and whereby he shall acknowledge that he has received money or property from his guardian in full satisfaction of all demands against such guardian, and such instrument being attested by two subscribing wit-witnesses, and certified to by a justice of the peace, notary public or other officer, authorized to certify to acknowledgments of execution of conveyances of land, may be recorded in the office of the county judge of the county in which said guardian was appointed, and the county judge of the proper county shall, when required, receive and record all such instruments.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1881.

[No. 140, A.] [Published March 30, 1881.]

## CHAPTER 193.

**AN ACT to amend section one thousand eight hundred and ten, chapter eighty-seven, of the revised statutes of 1878, entitled, "of railroads."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one thousand eight hundred and ten, of chapter eighty-seven, of the revised statutes of 1878, is hereby amended so as to read as follows: Every railroad corporation operating any railroad, shall erect and maintain on both sides of any portion of its road (depot grounds excepted), good and sufficient fences of the height of four and a half feet, with openings, or gates or bars therein, and suitable and convenient farm crossings of the road for the use of the occupants of the lands adjoining, and shall construct and maintain cattle guards at all highway crossings, and connect their fences therewith, to prevent cattle and other domestic animals from going on such railroad. All roads hereafter built shall be so fenced, and such cattle guards be made, within three months from the time of commencing to operate the same, so far as operated. Until such fences and cattle guards shall be duly made, every railroad corporation owning or operating any such road shall be liable for all damages done to cattle, horses, or other domestic animals, or persons thereon occasioned in any manner, in whole or in part, by the want of such fences or cattle guards; but after such fences and cattle guards shall have been in good faith constructed, such liability shall not extend to damages occasioned in part by contributory negligence, nor to defects existing without negligence on the part of the corporation or its agents. A barbed wire fence consisting of not less than five barbed wires, with at least forty barbs to the rod, firmly fastened to posts, well set, not more than sixteen and one-half feet apart, with one good stay between, the top wire not less than forty-eight inches high, and the bottom wire not more than eight inches from the ground; and the spaces between the bottom and second, and second and third wires from the ground, not more than eight inches each, shall be deemed a good and sufficient fence; and no fence shall be required in places where the proximity of ponds, lakes, water courses, ditches, hills, embankments, or other sufficient protection, ren-

Fences.

Barbed wire fence.

ders a fence unnecessary to protect cattle or other domestic animals from straying upon the right of way or track, provided that nothing herein shall affect or render unlawful any fence now built by any railroad company.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1881.

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[No. 127, A.] [Published March 30, 1881.]

## CHAPTER 194.

AN ACT to authorize the city of Chippewa Falls to issue bonds for the purpose of paying its indebtedness.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

May issue bonds.

SECTION 1. The common council of the city of Chippewa Falls, in the state of Wisconsin, is hereby authorized and empowered to issue bonds of said city, sufficient to pay and take up all the judgment and bonded debt of said city and for no other purpose.

Denomination of bonds.

SECTION 2. Said bonds shall be issued in denominations of one hundred dollars, or some multiple thereof not exceeding one thousand dollars, and numbered in regular order, and all shall be made payable on the first day of May, in each year that any bond matures in; and said bonds shall be made payable at the pleasure of the common council of said city, in five years from the first day of May succeeding the date of their issue; and said bonds shall be payable absolutely in twenty years from the first day of May succeeding the date of their issue. They shall bear interest at the rate of not exceeding six per cent. per annum, payable semi-annually at the office of the city treasurer of said city, and the bonds shall be made payable to the purchaser by name, or bearer, at some bank in the city of New York, in the state of New York, and none of said bonds shall be sold for less than par value.

Interest.

Evidence of indebtedness.

SECTION 3. Said bonds shall be signed by the mayor of Chippewa Falls, and countersigned by the city clerk of said city under the corporate seal thereof, and shall be in the hands of any bona fide holder of the same, full and complete evidence to establish the indebtedness of said city, according to the tenor and effect of said bonds; and no bonds shall be issued except by order of a majority of the common council of said city entered upon the record of its proceedings,

and the proceedings shall show whether the bonds are issued to a judgment creditor of the city in payment of a judgment against the city, or in exchange for an outstanding bond; or whether the same is sold for the purpose of paying a judgment against the city or an outstanding bond, and the city clerk shall deliver to each owner of the bond at the time of the delivery thereof to him, a certified copy of the proceedings, which copy shall be evidence in all courts of the nature of what it contains.

Duty of city clerk.

SECTION 4. For the purpose of providing for the payment of the principal of and interest on said bonds, it shall be the duty of the common council of said city to levy a tax upon all the taxable property of said city of a sum sufficient to pay the interest and principal of said bonds according to the tenor and effect of the bonds to be collected in cash in the same manner that other taxes are collected, and be kept as a special fund to be known as the city bond sinking fund; and in addition thereto, it shall be the duty of the city treasurer of said city of Chippewa Falls, to retain in his possession one-half of all the money received for licenses from any source whatever, and to set the same apart and credit it to the said city bond sinking fund, and such fund shall be carefully kept for the purpose for which it is created; and an itemized account shall be kept in a separate book provided for that purpose, to be called the city bond sinking fund book, in which book there shall not be kept any other matter whatever, and such fund shall be used for the payment of the interest and principal of said bonds, and for no other purpose whatever; and it is hereby made the duty of the common council of the city to levy tax sufficient to pay the bonds according to their tenor and effect; and it is hereby made the duty of the common council of the city to provide the sinking fund with a sum sufficient to pay the principal and interest of said bonds when due.

Tax levy.

Duty of city treasurer.

City bond sinking fund.

SECTION 5. The word bond, shall mean to and include the word coupon wherever used in this chapter.

Signification of word bond

SECTION 6. The bonds issued under this chapter shall contain a recital that the same are issued in pursuance of the authority herein granted.

Bonds to recite authority under which they are issued.

SECTION 7. When there is a surplus of funds to be applied for the redemption of said bonds, the city treasurer shall notify the party or persons holding such bonds as will be redeemed, by notifying the bank in the city of New York, where the same are made payable,

Surplus of funds to be applied to redemption of bonds.

and also by sending a notice to the owner, if the post-office address of such owner is known to the city treasurer. The funds to redeem the bonds called for redemption shall be deposited in the bank where the same are payable, and interest on said bonds shall cease when said funds are received by said bank in New York.

Treasurer may anticipate payment of interest

SECTION 8. The city treasurer may anticipate the payment of interest on any or all of said bonds for one year, and after the interest to be paid in any one year is fully paid, or there is to the credit of said fund sufficient to pay the same, the surplus as fast as it accumulates shall be applied to the redemption of said bonds in the order in which the same may be called by the common council of said city, and for that purpose, said bonds shall be called for redemption and the interest shall cease on the same, as provided in the preceding section.

Amount of bonds.

SECTION 9. The amount of bonds to be issued under this act shall not exceed forty thousand dollars.

This act to be printed on back of bonds.

SECTION 10. This act shall be printed at length upon the back of each of said bonds, and the mayor and clerk of said city shall, over their respective names and title of office, certify upon the back of each bond the amount already issued in pursuance of this act, and the clerk shall affix the corporate seal thereto.

Payment of principal.

SECTION 11. The common council of said city may levy a tax sufficient to pay not to exceed five thousand dollars of the principal of said bonds in any one year, and when collected, to be placed with and become a part of the city bond sinking fund.

SECTION 12. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1881.

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[No. 211, S.] [Published March 29, 1881.]

## CHAPTER 195.

AN ACT to amend section five hundred and nine of the revised statutes, relating to Webster's dictionary.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Districts, schools and institutions entitled to dictionaries.

SECTION 1. Section five hundred and nine of the revised statutes, is hereby amended so as to read as follows: Section 509. The state superintendent is hereby authorized to furnish to any school district, or to any school or distinct department thereof, in any

city or village, one copy of Webster's unabridged dictionary, on receipt of an affidavit of the district clerk or the school superintendent of such village or city, that such school or department has not yet been supplied, or that the dictionary furnished to said school or department has been lost or is unfit for use, and on payment in advance of the cost price to said superintendent for any so to be replaced and the state superintendent is further authorized to sell at the cost price, to the industrial school for boys at Waukesha, the industrial school for girls at Milwaukee, the institution for the blind at Janesville and the institute for the deaf and dumb at Delavan, on a written requisition being made by the superintendent of the institution, as many copies of Webster's unabridged dictionary, not exceeding the number of school departments in the institution under his charge, as may be necessary for the educational purposes of the same.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1881.

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[No. 136, S] [Published March 29, 1881.]

## CHAPTER 196.

AN ACT declaring Knapp's creek navigible for certain purposes.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. That Knapp's creek, in the county of Richland, state of Wisconsin, in all its meanderings from Mosier's Mills, in the village of Excelsior, in the town of Richwood, in the said county of Richland, to the mouth of the said stream, where it flows into the Wisconsin river, shall hereafter be held to be a public highway and thoroughfare of free and unobstructed navigation to all persons, for the purpose of rafting, floating, and conveying lumber, timber, railroad ties and hoop poles. Declared navigable.

SECTION 2. It shall be unlawful for any person or persons in any way or by any means whatever to obstruct said Knapp's creek so as to hinder or obstruct the free navigation thereof, as provided in the next preceding section of this act. Unlawful obstruct.

SECTION 3. Every dam constructed or maintained in or across the said stream, (Knapp's creek,) shall be Dams to contain slides and chutes.

provided and furnished with a suitable slide or chute for the passage of rafts, logs, lumber, railroad ties and hoop poles, which shall be twelve feet in width, constructed of hewn or sawed timber and planks, made tight and sunk at the upper end, together with that part of the dam beneath it, and such slide or chute shall be properly constructed and maintained by the owner or persons in possession of such dam or dams, and be in readiness at all times to permit the passage of rafts, logs, lumber, railroad ties and hoop poles, at a cost of one dollar per thousand for railroad ties.

Nuisance.

SECTION 4. Every such dam not furnished with slide or chute as provided in the preceding sections, is declared a nuisance and may be abated by the circuit court, at the suit of any persons aggrieved thereby.

Damage.

SECTION 5. Any person damaged by reason of the construction or maintenance of a dam in and across said creek without furnishing and maintaining a proper and suitable slide or chute, as provided in this act, may bring and maintain an action, in the circuit court, against the owner or person in possession of the same, and any judgment recovered for any such damages, shall be a lien upon the real estate upon which such dam may be maintained, and such real estate may be sold on execution as provided for sale of real estate on execution.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 25, 1881.

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[No. 316, A.] [Published March 28, 1881.]

## CHAPTER 197.

**AN ACT to re-establish a municipal court in Rock county.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Municipal court.

SECTION 1. A municipal court for the city of Janesville and county of Rock, is hereby established under the name of the municipal court for Rock county. The same shall be a court of record, have a clerk, and a seal with a suitable device to be procured under the directions of the judge thereof at the expense of the city of Janesville. Said court may exercise powers and jurisdiction equal and concurrent with the circuit court of Rock county in all cases of crimes and misdemeanors arising in said county, except murder. Such

jurisdiction includes the right to try and determine all appeals in civil or criminal cases from justices of the peace or police justices of said county. No justice of the peace, police justice or court commissioners, within said city of Janesville, shall exercise any jurisdiction in criminal or bastardy cases, but all such jurisdiction is vested in the judge of said court; and all examinations, recognizances and commitments from said judge, justices of the peace and police justices of said county, in criminal cases (except murder) and in bastardy cases, shall be certified and returned to said municipal court instead of said circuit court, at least five days before the time fixed for the appearance of the accused; and the accused shall, and all witnesses required to attend may, be committed to be brought or recognized to appear before said municipal court, on a day certain, not more than thirty days from the date of such commitment or recognizance. Said court shall have jurisdiction to try or determine all appeals in civil and criminal cases from justices of the peace and police justices in said county and in all cases removed from said justices' or police courts on account of the title of lands coming in question, and all such cases shall be certified and returned to said municipal court instead of the circuit court of said county, within ten days after the perfection of the appeal, in appealed cases, or the joining of issue, in other cases. Civil cases appealed or certified to said court shall stand for trial at the next regular term of said court after the filing of the papers in such cases in said court without notice, when such terms shall be held as hereinafter provided, and when such terms are not held, either party may bring any such case to trial at any time after the filing of the papers in such case, by thereafter giving the opposite party ten days' notice in writing of the day on which said case will be moved for trial; and when said notice shall be given by a party, the opposite party may move such case on the day named, without having given a notice; such notice may be served on a party or his attorney, if an attorney of record shall have appeared in a justice's court, or in said municipal court in such cases, in the same manner as now provided by law for serving notices of trial in circuit courts. When any such case is continued for any cause, it shall be to the next term of said court, when terms are held, and when not, to a time to be fixed by said court, and when any such case has been continued, it need not again be

Powers and jurisdiction.

Civil cases.

Duty of clerk of circuit court.

noticed for trial. The clerk of the circuit court shall, upon the production to him of a duly certified transcript of a judgment for more than ten dollars, exclusive of costs, rendered by said municipal court or the judge thereof, forthwith file the same, and docket such judgment in the docket of said circuit court, in the manner prescribed in the revised statutes of this state of 1878, for docketing judgments of justices of the peace, and such judgments, so docketed, shall be in all respects the same as judgments originally rendered in said circuit court. The judgments of said municipal court, in criminal cases tried upon information, bastardy cases, and in all cases not originally commenced in said court, may be reviewed by the supreme court, in the same manner as like judgments of the circuit court may be, and all judgments originally rendered by said court, or the judge thereof, in criminal cases of which justices of the peace have jurisdiction, and in all other cases originally commenced in said court, except on information, may be appealed to and tried by the circuit court for said Rock county, in the same manner as like judgments rendered by justices of the peace.

Judgment may be renewed.

Laws relating to circuit courts to apply.

SECTION 2. The general provisions of law which shall at any time be in force relative to circuit courts, and actions and proceedings therein, shall relate also to said municipal court, unless inapplicable, and the rules of practice prescribed by the justices of the supreme court for circuit courts shall be in force in said municipal court, and its rules of practice and proceedings shall conform as nearly as practicable to the rules and practice of circuit courts, but in case of a change in the place of trial of any cause not originally commenced in said court, or of any criminal case begun by information, or of any bastardy case certified to said court, said case shall be removed to the circuit court for Rock county, unless such change is taken on the ground of prejudice of the people of said county, in which case the place of trial shall be changed to the circuit court of an adjoining county within this state. Said court shall have power and authority to issue all process necessary to carry into effect its jurisdiction; which process shall in substance be the same, when applicable, as used in circuit courts, or shall be as directed by the judge thereof. Process issued by said court, its judge, or clerk, in criminal cases, or in civil cases not originally commenced in said court, may be executed in any part of the state by the officer to whom it is addressed.

All informations for criminal offenses, except murder, committed in said county of Rock, shall be filed in said municipal court, by the district attorney of said county, at the next term at which the same may be triable, if terms are held as hereinafter provided, and if not, before the day fixed for the trial thereof. The sheriff of Rock county and his deputies shall be officers of said court, and may execute all process, sentences and judgments thereof.

Court. vested with powers of justice of the peace.

SECTION 3. The municipal judge of said court, in addition to the powers vested in the municipal court as aforesaid, is vested with all the powers and jurisdiction of a justice of the peace in said county, in criminal actions and proceedings, and jurisdiction of all prosecutions for the breach of any ordinance or by-law of the city of Janesville; and, also, with all the powers and jurisdiction of justices of the peace in said county in civil actions and proceedings; and, also, power to hear and determine any such case, although the title to land may come in question therein, and said municipal court, and the judge thereof, shall have power and jurisdiction, concurrent with the circuit court of Rock county, of all classes of actions and proceedings now cognizable by or before justices of the peace in said county, where the value of the property in controversy, or the amount of money claimed or sought to be recovered, after deducting all claims and setoffs, shall not exceed five hundred dollars, and to exercise such jurisdiction, shall hold the municipal court as courts are held by justices of the peace. The general provisions of law, relative to civil and criminal actions before justices of the peace, shall apply to said municipal court so far as applicable, and shall so apply when the value of the property in controversy, or the amount of money or damages claimed or sought to be recovered, exceeds two hundred dollars, except that no change of venue shall be taken from said court in any criminal or bastardy examination, or criminal trial, except cases tried on information as hereinbefore provided; and when, in civil cases, a change of venue shall be taken to a justice of the peace, such justice shall have full power and jurisdiction to hear, try and determine the same, in the same manner as said municipal judge or court might have done if no change of venue had been taken, although the value of the property in controversy, or amount of money or damages claimed or sought to be recovered, shall exceed two hundred dollars, or the title to land shall come in ques-

Change of venue.

Appeals.

tion. Appeals in cases removed from the municipal court shall be taken to the circuit court of Rock county, instead of to said municipal court. Whenever in any case commenced in any of the justice or police courts of said county, a plea of title to land shall be interposed in such a manner as to entitle the defendant to have such case removed, the same shall be certified to said municipal court instead of the circuit court, in same manner as such cases are now required to be certified to the circuit court, and said municipal court shall have full power and authority to hear, try and determine the same in the same manner as cases brought to

Officers of said court.

to said court on appeal. The city marshal of the city of Janesville, constables of said county, and other officers having the same power and authority as constables of said county, shall be officers of said court, with the same powers and duties as now conferred upon them by the laws of this state in reference to justice or police courts, in cases where said court, or the judge thereof, exercises original jurisdiction in civil actions, and in all criminal cases and examinations, including examinations in bastardy cases, except appeal cases and cases when informations have been filed; and such officers shall receive the same fees for such services as they would by law be entitled to receive, for like services

Appeals to circuit court.

in justice's court. Appeals from judgment rendered in said court in civil and criminal actions originally commenced in said court, except cases commenced by information and bastardy cases, may be taken to the circuit court in the same manner as appeals from justices of the peace and police justices in similar actions. The

Session of court.

judge of said court shall open court each morning, Sundays and legal holidays excepted, and hear and dispose of, in a summary way, all cases for the violation of the by-laws and ordinances of said city as shall be brought before him by police officers or otherwise, either with or without process. Proceedings in such cases shall be in the forms heretofore used in the police court of said city, except as modified by said judge, and the city attorney shall be the prosecuting officer in

Powers of judge

all such cases. All provisions in the charter and ordinances of the city of Janesville relating to the police court or to criminal prosecutions, shall be held applicable to said municipal court. The judge of said court shall have the same power to solemnize marriages, take acknowledgements and depositions, and to administer oaths, as a justice of the peace, and shall receive the same fees therefor. The judge of said court may, in

his discretion, summon witnesses before him and examine them on oath, for the purpose of determining whether a warrant ought to issue, and witnesses so summoned shall be compelled to attend before him and answer all pertinent questions relative to the subject of inquiry, and shall be subject to punishment for contempt for refusal to attend or answer.

Election of judge.

SECTION 4. The qualified voters of the county of Rock shall on the first Tuesday of April, 1881, and on the same day of the same month each six years thereafter, elect a suitable person to the office of judge of said municipal court, to be called municipal judge, who shall hold his office for the term of six years from the last Monday in June next succeeding his election, and until his successor is elected and qualified, and who may be removed from office in the manner provided in the constitution for the removal of supreme and circuit judges. Whenever a vacancy shall happen in the office of such judge, the governor shall appoint to fill the same until a successor is elected and qualified. Elections to fill the vacancy for the residue of the term only, shall be held as provided in section eighty-eight, revised statutes, for other judges, and notice thereof shall be given by the sheriff of Rock county in the same manner as for elections of county judges. All such elections shall be held and conducted, and the votes cast thereat shall be returned and canvassed and a certificate shall be given in all respects as is provided by law in case of the election of county judges. Said judge, before entering upon the duties of his office, shall take and subscribe the oath of office prescribed in the constitution, which shall be filed in the office of the clerk of the city of Janesville, and a duplicate oath in the office of the clerk of the circuit court of the county of Rock. Said judge may, by order in writing to be filed in said court, appoint a justice of the peace of said county or any attorney of record who is an elector of said county, who shall discharge the duties of such judge during any absence, sickness or other temporary disability, who shall have all the powers of such judge while administering such office, except the power to try cases begun by information and cases not originally begun in said court. The order appointing any such justice or attorney may be revoked by said judge at any time.

Clerk of municipal court.

SECTION 5. Said judge shall appoint in writing a clerk of said court, who, before entering upon his duties, shall take and subscribe the oath of office pre-

scribed in the constitution, which appointment and oath shall be filed in the office of the clerk of said city, and a duplicate thereof in the office of the clerk of the circuit court of Rock county. He shall make and keep the records of said court and perform all ministerial acts required of him by and under the direction of the judge. He shall have power to administer oaths and take bail in the absence of the judge, subject to his revision. He may examine on oath all persons applying for warrants, may reduce their examination to writing and file the same, and may issue all warrants and other process from said court. He shall procure, under the direction of said judge, all necessary record books, blanks, stationery, lights and fuel for said court, at the expense of the city of Janesville, subject to the approval of the common council of said city.

Court to be held at Janesville.

SECTION 6. Said municipal court shall be held at the city of Janesville, in some suitable place to be provided and suitably furnished by said city. All fines and penalties collected in criminal cases in which the state is a party, shall be immediately paid by said judge to the treasurer of said city, and shall be by him annually accounted for, and paid over to the treasurer of the county of Rock at the time of his paying over the county taxes. All fines collected in city prosecutions shall be immediately paid by said judge to the treasurer of said city. At the time of such payment to the county treasurer, the said county shall pay to said city two-thirds of all sums paid by it for record books, blanks, stationery, rent, office furniture, lights, fuel and the other expenses of said court.

Special terms for trial of certain offenses.

SECTION 7. Said judge may, if he deem it best, by order in writing filed in said court, direct terms to be held for the trial of offenses on which informations may be filed, and of bastardy cases, and of all other cases not originally commenced in said court, not exceeding four in any one year. When such terms are ordered, the clerk of said court in the presence of the judge, at least three days before such term, shall draw from the list of persons selected as hereinafter provided, to serve as jurors therein, thirty-six jurors for such term, and shall issue a venire to summon them as such. If no such terms are ordered the court shall fix a particular day for the trial of the cases heretofore mentioned in this section, not more than twenty days after the day fixed in the recognizance or commitment for the appearance of the accused, or after the filing of the

return on appeals and in other cases, and a jury shall be drawn in open court in the presence of the accused and prosecuting officer, in criminal and bastardy cases, and of the parties or their attorneys, in civil cases, on the day of the trial; but such jury may be drawn in the same manner at any previous time by consent of parties. All such juries shall be drawn in the manner following: the clerk shall draw, in the presence of the court, from a box containing the names of all persons not disqualified by previous service, furnished by the senior aldermen and supervisors, as hereinafter provided, thirty-six names, and shall make a list thereof, and each party alternately, beginning with the prosecution or plaintiff, shall strike a name from such list, until only twelve names remain. In case either party shall neglect or refuse to strike out such names, the judge shall appoint some person to strike for him. The twelve persons whose names remain shall be summoned as jurors in such cases. In all actions before such judge, originally commenced in said court, except cases begun by information, and bastardy cases, eighteen names, from whom a jury shall be struck, shall be drawn from such box in like manner, each party striking six names instead of twelve, in the manner aforesaid. The day for trial may be adjourned from time to time in the discretion of the court. If any person thus drawn cannot be summoned, or be excused or set aside as incompetent, another name may be drawn from said list to supply his place, who shall be summoned in like manner, or the judge may direct the issue of a venire to said sheriff to summon the necessary jurors to complete the panel from said county at large. In any case where a jury of twelve is required, said judge may, at his option, direct the sheriff or one of his deputies, to make a list of thirty-six qualified electors from any or all of the four towns of said county adjoining the city of Janesville, from which list a jury shall be struck and summoned in the same manner as hereinbefore provided, and in case any of such jurors cannot be summoned, or be excused from any cause, a sufficient number of talesmen to complete the panel may be summoned in the manner hereinbefore provided. Every person having served as a juror at any regular term of said court, shall be disqualified from serving as a juror at the next succeeding term, except he shall be summoned on a special venire or as a talesman, and every person having served as a juror in any case not tried at a regular

Juries.

Duty of sheriff.

Disqualification of juror.

term of said court, shall be disqualified from again serving for three months next succeeding such services, except at a regular term. The clerk shall not replace in the box from which the names of jurors are drawn, the name of any person while such person is disqualified from acting as a juror by reason of previous service.

Senior alderman and supervisors to make lists of jurors.

SECTION 8. The senior alderman and supervisor for each ward of the city of Janesville shall each, before the third Tuesday in April in each year, make a list of twenty qualified electors of his ward, to serve in said court as jurors for one year from said third Tuesday in April, and deliver said list to said judge, and any such electors shall not be disqualified from sitting as a juror in said court by reason of not being a full citizen of the United States. A jury trial in said court in criminal cases begun by information, or not originally begun in said court, may be waived by the accused in writing, or by consent in open court entered on the minutes. In civil cases the jury shall be deemed waived unless demanded by one of the parties before entering upon the trial. In trials on information, bastardy cases, and cases not originally commenced in said court, a jury shall consist of twelve jurors. The fees of jurors shall be one dollar per day in cases tried on information, bastardy cases, and cases not originally commenced in said court, and in other cases the same as are allowed by law in courts of justices of the peace. In all cases tried on information, bastardy cases, and cases not originally commenced in said court, the fees of the judge, clerk, attorneys, witnesses, sheriff and other officers of said court, shall be the same as in circuit courts, and in other cases, the same as in courts held by justices of the peace, except as hereinafter provided, and shall be paid in like manner as in circuit and justices' courts respectively, except said judge or clerk shall receive no fees from said county or city. Two-thirds of all fees of said judge or clerk, collected or received by said judge or clerk, shall at the end of each month be paid into the county treasury by said judge, for the use of the county, and one third into the city treasury of the city of Janesville for the use of said city. The judge of said court shall keep or cause to be kept by the clerk of said court, a full and complete record and account, in a book to be furnished as the other records and books of said court are furnished, of all fees and costs so received by said judge or clerk, in such a manner as that such record shall show the exact amount paid, by whom, at

Jurors' fees.

Fees of judges, clerks, etc.

Record.

what time, and on what account, and if paid in any case, what case Said judge shall also make duplicate certificates showing the same facts, and file one with the county clerk and one with the city clerk at the end of each month.

SECTION 9. The salary of the judge of said court shall be the sum of two thousand six hundred dollars per annum, to be paid as follows: two-thirds shall be paid out of the treasury of Rock county, and one-third out of the treasury of the city of Janesville, to be paid quarterly, at the end of each quarter after such judge shall enter upon the duties of his office, out of said county and city treasury respectively. The said sum of two thousand six hundred dollars shall be in full for all services rendered by said judge and the clerk of said municipal court. The judge of said court, before entering upon the duties of his office, shall give a bond to Rock county in the sum of five thousand dollars, with two sufficient sureties, to be approved by the chairman of the board of supervisors and the clerk of said county, for the faithful performance of his duties. The conditions of said board shall be substantially such as are now provided by law for the bond of the clerk of the circuit court. Said judge shall also give a bond to the city of Janesville in the same manner as now provided by law for city officers of said city. Said judge shall be responsible, on his official bonds, or either of them, for all and any official default or misconduct of his clerk.

Salary of judge.

Bond.

SECTION 10. Nothing in this act shall be construed as in any manner affecting the right or jurisdiction of any court, judge, justice of the peace or police justice, to hear, try and determine any cause now pending in such court, or before such judge, justice of the peace or police justice, or which may be commenced before the judge of said municipal court shall enter upon the duties of his office.

Jurisdiction of other courts not interfered with.

SECTION 11. This act shall take effect and be in force from and after its passage and publication.

Approved March 25, 1881.

[No. 292, A.] [Published March 30, 1881.]

## CHAPTER 198.

AN ACT to amend chapter one hundred and twenty-three of the laws of 1876, entitled an act relating to the city of Portage, and codifying, consolidating and amending the act of incorporation, and all acts amendatory thereof.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amendment

SECTION 1. Section two of chapter two of chapter one hundred and twenty-two of the laws of 1876, entitled an act relating to the city of Portage, and codifying, consolidating and amending the act of incorpotarion and all acts amendatory thereof, is hereby amended by inserting after the word "assessor," where the same occurs in the second line of said section, the words "police justice."

Police justice, term of office.

SECTION 2. Chapter three of said act is also hereby amended, by adding fifteen more sections thereto, and which fifteen sections shall read as follows: Section 17. The police justice shall hold his office for the term of two years, and until his successor in office is elected and has qualified. He shall have and possess all the jurisdiction, authority, powers and rights of a justice of the peace, in all proceedings, and shall have sole exclusive jurisdiction to hear all complaints, and conduct all examinations and trials in criminal cases within the city of Portage, cognizable before a justice of the peace, in which the city is a party; but warrants returnable before said police justice may be issued in criminal cases by any other justice in the city, but no fee shall be received therefor by said justice. The said police justice shall have exclusive jurisdiction in all cases cognizable before a justice of the peace in which the city is a party, and shall have cognizance and exclusive jurisdiction of all suits, prosecutions or proceedings for the recovery of any fine, forfeiture or penalty under any by-law, ordinance or regulation of the city of Portage, or its charter, or for a breach or violation of any such ordinance, by-law or regulation; and in all cases of offenses committed against the same. All prosecutions for assault, batteries and affrays, not indictable, and for a breach or violation of any such ordinance, by-law or regulation, shall be commenced in the name of the city of Portage, and the same proceedings shall be had in all civil and criminal suits before said police justice, when not otherwise herein directed, as are established and re-

Jurisdiction of police justice.

quired to be had in civil and criminal actions by the laws of this state, before a justice of the peace, provided that in cases of prosecution for a breach or violation of any ordinance, by-law or regulation of said city, or its charter, or for any assault, battery or breach of the peace, or an affray not indictable, committed in the city limits, defendants shall have the same right of appeal under the same provisions and requirements, as now are or may be provided for taking appeals from justices of the peace. In all cases of conviction for assaults, batteries and affrays within the said city, or in all cases of conviction under any ordinance of said city for any breach of the peace, disorderly conduct, keeping houses of ill-fame, or of frequenting the same, and of keeping or maintaining disorderly and ill-governed houses, said justice shall have power in addition to the fine and penalty imposed, to enter judgment for costs of prosecution against the defendant, and to compel such offenders to give security for their good behavior, and to keep the peace for a period not exceeding six months, and in a sum not exceeding five hundred dollars. The said justice shall have the same power and authority in case of contempt, as a court of record, provided, that nothing herein contained shall be deemed to divest the circuit judges of their authorities as conservators of the peace, nor to affect in any manner the jurisdiction or powers of the circuit courts or supreme court of this state. In case of absence, sickness or other inability of such police justice, or for any sufficient reason, the mayor, by warrant, may authorize any justice of the peace within said city to perform the duties of said police justice, and it shall thereupon be the duty of the mayor to inform the city attorney and the marshal, of such substitution, and make report thereof to the common council, and they may confirm or set aside such appointment or appoint some other justice of the peace, and the justice so appointed shall, for the time being, possess all the authority, powers and rights of such police justice. All fines and penalties imposed by the police justice for a violation of any ordinance, by-law or regulation of said city, shall belong to and be a part of the finances of said city. Section 18. The police justice shall, as often as the common council may require, report to the common council all the proceedings instituted before him, in which the city is interested, and shall at the same time account for and pay over to the city treasurer all fines and penalties collected by him and belonging to

**Same power and authority as court of record.**

**Fines and penalties.**

**Report to council.**

said city. He shall be entitled to receive in all cases had before him, the same fees as are allowed by law to justices of the peace of the several counties in this state in similar cases had before them. Section 19. All actions brought to recover any penalty or forfeiture under this act, or the act to which this is amendatory, or the ordinances, by-laws and regulations made in pursuance thereof, shall be brought in the corporate name of the city of Portage. It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the section and chapter of this act, or of the act to which this is amendatory, or the section and chapter of the ordinance, by-law or regulation, under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it. Section 20. In all prosecutions for any violation of this act, or the act to which this is amendatory, or any by-laws, ordinances or regulations, the first process shall be by summons, unless oath be made for a warrant, as in criminal cases, before justices of the peace, under the general statutes of the state, for the time being. Section 21. When the action is commenced by summons, such summons may be substantially in the following form:

Actions, how brought.

Columbia county, city of Portage — ss.

Form of summons.

The state of Wisconsin, to the sheriff or any constable of said county, or the marshal of said city, greeting: You are hereby commanded to summon A. B., if he shall be found within your county, to appear before the undersigned, C. D., police justice in and for said city, at my office, in said city, on the —— day of ——, 18—, at —— o'clock in the ——noon, to answer to the city of Portage, in a plea of debt to the damage of said city two hundred dollars or under.

Given under my hand, at Portage, this —— day of ——, 18—.

C. D., police justice.

Section 22. Such summons shall be made returnable, and be served, in the same manner as is now or hereafter may be prescribed in the laws of the state, for the commencement of action before justices of the peace by summons; and all proceedings in such action, except as hereinafter provided, shall be governed by the laws of the state for the time being, relative to actions commenced by summons and triable before justices of the peace. Section 23. When action is commenced by summons, the complaint may be in the following form substantially:

Action commenced by summons.

State of Wisconsin, Columbia county. The city of

Portage against A. B. In police court. Before C. D., justice.

The plaintiff complains against the defendant, for that the defendant, on the —— day of ——, 18—, at said city, did violate (section —— of chapter —— of this act, or section —— of chapter —— of an ordinance or by-law or regulation of said city, describing it by its title), which said —— is now in force. By reason of such violation an action has accrued to the city of Portage, to recover of the defendant the sum of —— dollars debt. Wherefore the plaintiff demands judgment against the defendant for the sum of —— dollars aforesaid, besides the costs of this action. Complaint.

Section 24. In all cases where oath is made for a warrant by complaint, it shall be made on oath of the complainant, and no other affidavit shall be necessary, which last mentioned complaint may be substantially in the following form:

State of Wisconsin, Columbia county, ss: A. B., being duly sworn, complains on oath to C. D., police justice in and for the city of Portage in said county, that E. F., on the —— day of ——, 18—, at said city, did violate (section —— of chapter —— of this act, or section —— of chapter —— of an ordinance, by-law or regulation of said city, describing it by title), which said —— is now in force, as this complainant verily believes, and prays that the said E. F. may be arrested and held to answer to said city of Portage therefor. Oath of complainant.

Subscribed and sworn to before me this —— day of ——, 18—.

It shall be sufficient to give the number of the section of this act, or of the act to which this is amendatory, or of the section and chapter of the ordinance, by-law, or regulation violated, in the foregoing form of complaint, and said complaint may be sworn to before any officer authorized to administer oaths. Upon the filing of said complaint with the police justice, he shall issue a warrant, substantially in the following form:

County of Columbia, city of Portage—ss.

The state of Wisconsin to the sheriff or any constable of said county or the marshal of said city, greeting: Whereas, A. B. has this day complained to me in writing on oath, that E. F., on the —— day of ——, 18—, at said city, did violate (section —— of chapter —— of this act, or section —— of chapter —— of an ordinance or by law or regulation of said Warrant.

city, describing it by title), which said —— is now in force as the complainant verily believes; therefore, you are hereby commanded to arrest the said E. F. and bring him before me, forthwith, to answer to the said city of Portage, on the complaint aforesaid.

C. D. Justice.

Return of warrant.

Section. 25. Upon the return of the warrant the court may proceed summarily with the case, unless it be continued by consent or for cause or by order of the court. If the case be adjourned, the defendant, if required by the court to do so, shall recognize, with sufficient surety to be approved by the justice for his appearance, in such sum as the court may direct, or in default thereof may be put in charge of the officer who made the arrest, or be committed to the county jail of Columbia county, or to such other place of confinement as may be provided by the common council. The complaint made as aforesaid, shall stand in lieu of a declaration, and the plea of "not guilty" shall put at issue all the subject matter of complaint, and no other pleadings shall be required. Section 26.

Publication of ordinance, by-law or resolution.

A printed copy of an ordinance, by-law, or resolution, passed by the common council, and published in a newspaper, or in pamphlet or book form, shall be prima facie evidence of its due passage, signature and publication, and may be received in evidence on trial of any case cognizable before any court in this state. Section 27.

Witnesses and jurors.

Witnesses and jurors shall attend before said justice court in all city and criminal cases without the payment of fees in advance, or a tender thereof upon the process of the court duly served, and in default thereof their attendance may be enforced by attachment. In case the jury after being kept a reasonable time shall disagree, it shall be discharged without the payment of fees, and thereupon the court may adjourn the case to a day certain, and issue a new venire unless the case by consent is tried by the justice. Section 28.

Trials by jury.

In all prosecutions or actions in which the city of Portage is a party, either party shall be allowed a jury as in other cases in justice courts. In all the aforesaid cases the finding of the court or jury shall either be guilty or not guilty; if guilty, the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture contained in the ordinance, by-law or resolution, for the violation of which the person or persons shall have been found guilty, and for the costs of suit. Upon conviction and non-payment of such judgment,

the court shall forthwith issue execution, unless the same be stayed or appealed from according to the laws of this state; and shall determine and enter upon the docket the length of time the defendant shall be imprisoned, which in no case shall exceed three months, in the discretion of the court rendering judgment, and also insert such time in the commitment or execution, and every person so convicted and committed shall be kept at labor in the common jail of the county of Columbia, or in such place as the city of Portage may provide for the benefit of said city, under the watch, guard and supervision of the marshal of said city or his deputies, for the period of time for which such person or persons shall have been so committed, unless the judgment shall be sooner paid, provided, that all persons so committed and kept at labor shall be allowed one dollar for each day's labor rendered, exclusive of board, and the amount so earned shall be applied in liquidation of the judgment, until such judgment shall be fully paid by such labor, at which time the judgment shall be satisfied, and the defendant discharged from custody. Said execution may be in the following form:

Form of execution.

Columbia county, city of Portage — ss.

The state of Wisconsin to the sheriff or any constable of said county, or the marshal of said city, and the keeper of the common jail of said county: Whereas, the city of Portage on the —— day of ——, 18—, recovered a judgment before the police justice of said city, against —— for the sum of —— dollars, together with —— dollars costs of suit for the violation of (section ——, of chapter ——, of this act, or section ——, of chapter ——, of an ordinance, by-law or resolution of said city, describing it by its title), these are therefore to command you to levy distress on the goods and chattels of the said —— (except so much as the law exempts), and make sale thereof according to law, as is in such cases made and provided, to the amount of said sums, together with your fees and twenty-five cents for this writ, and the same return to me within thirty days, and for the want of such goods and chattels whereon to levy, to take the body of the said ——, and him convey and deliver to the keeper of the common jail of said county; and you, the said keeper, are hereby commanded to receive and keep in custody in said jail the said ——, for the term of ——, at labor for the benefit of the city of Portage, as the mayor of said city may direct, unless said judgment, together with all the costs and jail fees, are sooner paid,

or until he be thence discharged by due course of law.

Given under my hand, at Portage, this —— day of ——, 18—. C. D. Justice.

Prisoners may be compelled to work on streets

If the mayor of said city shall at any time deem it for the interest of the city, he may employ the prisoners, so committed, outside of the jail or yard at labor upon the public streets of said city. The form of commitment may be substantially the same as that of the execution, leaving out all that relates to levy and sale and return of writ.

Appeals.

Section 29. The defendant may appeal in the same manner as provided in cases of an appeal from judgment in courts of justice of the peace in criminal proceedings of this state. And such appeal shall stand for trial by jury, unless a jury be waived, in the manner provided by law in the circuit court of the county of Columbia, at the next term thereof after the date of judgment of the justice shall have been rendered, and no notice of trial shall be required to be given to or by either party.

When judgment is affirmed

Section 30. If the judgment of the justice shall be affirmed, or if upon the trial the defendant shall be convicted, the court shall inflict the penalty provided by this act or the ordinance, resolution, by-law or regulation, under which he, she or they are prosecuted, and enter judgment against him, her or them and their sureties for such penalty, together with the costs in both courts, and enforce the execution as in actions of tort.

Common council may direct the discharge of prisoners.

Section 31. The common council of said city may by resolution direct the said justice to discharge from the jail any person confined for a judgment due said city, but such discharge shall not operate as a release of the judgment, unless said common council shall so direct in its resolution; upon filing a certified copy of such resolution, attested by the clerk of said city, the justice shall order said defendant to be discharged from custody, and make an entry of such discharge upon his docket. An execution may issue, or be renewed by endorsement from time to time, and after the return day thereof, and before or after the commitment of the defendant, until the judgment is satisfied or released, but after the defendant shall have been committed, no execution shall issue against the body of the defendant, nor if previously issued, shall authorize the taking of the defendant thereon.

Repealed.

SECTION 3. Section fourteen of chapter three, and sections seven and eight of chapter eleven of said act, and all acts and parts of acts inconsistent and conflicting with this act, are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 25, 1881.

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[No. 80, S.] [Published March 29, 1881.]

## CHAPTER 199.

AN ACT relating to the incorporation of the city of Oconomowoc, and amendatory of chapter two hundred and thirty-nine of the laws of 1879.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section two of chapter two of chapter two hundred and thirty-nine, of the laws of 1879, is hereby amended so as to read as follows: Section 2. The elective officers of the city shall be one mayor, one clerk, one assessor, one treasurer, two justices of the peace, one marshal, one street commissioner and one constable, who shall be elected at large in the city, and one supervisor and three aldermen from each ward, who shall be elected therein, one each year; and each of said officers shall be qualified voters in the city; but the mayor, supervisors and aldermen, shall also be householders or freeholders in the ward from which they shall be elected: provided, however, that no person shall be eligible to the office of treasurer of the city for two successive years. Elective officers. Eligibility of treasurer.

SECTION 2. All acts or part of acts which contravene or conflict with the provisions of this act, are hereby repealed. Repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 22, 1881.

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[No. 232, A.] [Published March 29, 1881.]

## CHAPTER 200.

AN ACT to amend section two of chapter two hundred and seventy of the laws of Wisconsin for the year 1878, entitled an act to constitute a certain abstract of title to the real estate of the county of Outagamie a part of the official records of the office of the register of deeds of said county, and to provide for continuing said abstract and for the fees of said register.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section two of said chapter two hundred and seventy, of the laws of Wisconsin for 1878, Duty of register of deeds.

is hereby amended so as to read as follows: It is hereby made the duty of said register of deeds to keep up and continue the said abstract of title by properly entering therein every deed, mortgage or other instrument in writing, affecting the title to real estate in the said county, which shall be filed or recorded in his office and is not already entered therein, and the said register of deeds shall receive and be entitled to the sum of five cents for each and every deed, mortgage, or other instrument so entered, to be paid by those at whose request and for whom the same shall be entered.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 25, 1881.

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[No. 5, A.] [Published March 30, 1881.]

## CHAPTER 201.

AN ACT to authorize the town board of supervisors of the town of Lake, in Milwaukee county, to build and grade the avenue or road therein named.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Howell avenue may be graded.

SECTION 1. It shall be lawful for the town board of supervisors of the town of Lake, in Milwaukee county, at any regular meeting of said board, on the petition of not less than a majority of the freeholders, to order so much of Howell avenue or road as lies between the southern limits of the city of Milwaukee and the southern limits of the village of Bay View, within the territory of the town of Lake, to be graded to the proper grade established by the village of Bay View for said avenue or road: provided, that said petitioners own property fronting on or abutting on said avenue or road between the southern limits of the city of Milwaukee and the southern limits of the village of Bay View.

Contract shall be let to lowest bidder.

SECTION 2. The town board of supervisors of the town of Lake shall cause said avenue or road to be graded in the same manner, with the same kind of material, and at the same time, as the village of Bay View shall grade and build that part of Howell avenue or road which lies within said village, and the said board of supervisors shall let the contract for grading and building said avenue or road, and make the sidewalks and gutters, to the lowest and best bidder, after having first advertised the same for four successive weeks, once

in each week, in a newspaper printed in the English language, that has been established in Milwaukee county at least one year prior to such publication.

SECTION 3. The board of supervisors is hereby authorized, directed and required to assess, levy, and cause to be collected in the same manner as others taxes are assessed, levied and collected, the whole amount of the expenses accruing under this act upon the owners of the property fronting or abutting on said Howell avenue or road. Tax levy.

SECTION 4. The owner or owners of any property, fronting or abutting on Howell avenue or road, may do or cause to be done, the grading or other work required or authorized to be done, at their own expense or by their own labor: provided, the same be done in the manner, within the time, and with the kind of materials, required by the town board of supervisors, and if so done, no asssessment shall be made upon the owners of, or upon the property of those complying with the provisions of this act. Property owners may grade at their own expense.

SECTION 5. This act shall take effect from and after its passage and publication.

Approved March 25, 1881.

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[No. 297, A.] [Published April 15, 1881.]

## CHAPTER 202.

AN ACT to amend section one of chapter two hundred and sixty-six of the general laws of 1880, entitled an act to repeal sections five hundred and nine-two and five hundred and ninety-four of the revised statutes of 1878, relating to public charities, and to amend section five hundred and ninety-three revised statutes of 1878, and to prescribe the procedure for committing persons to the insane hospitals.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. On the receipt by the county judge of the petition provided for by section one of chapter two hundred and sixty-six of the general laws of 1880, such judge may, if in his opinion the public safety require it, deliver to the sheriff of his county an order in writing, requiring him forthwith to take and confine such insane or supposed insane person in some place to be specified, until the further proceedings provided for by said chapter can be had, or until the further order of the judge, and after the receipt by such judge of the report of the examining physicians provided for in said chapter, such judge may, in his discretion, deliver Authority of county judge.

to such sheriff his order in writing, requiring him forthwith to take such person into custody, and keep him in some place to be specified, until the further order of such judge.

Report of examining physicians.

SECTION 2. The examining physicians provided for by said section one, of said chapter two hundred and sixty-six, in addition to the report required to be made by them, by said section, shall state as follows: 28. Has the patient any infectious disease? 29. In your opinion is he insane?

Rehearing in behalf of person committed to insane asylum.

SECTION 3. When any person shall be confined in any hospital, asylum, or other place of confinement, upon commitment as an insane person, application may be made in his behalf by any respectable citizen having reason to question the propriety or justice of such confinement, to the judge of the county court of the county in which such person is confined, or to the judge of the county court by whom he was so committed, for a rehearing and a further judicial inquiry as to the mental condition of such person. Such application shall be by petition, setting forth the facts upon which it is founded.

Proceeding upon rehearing.

SECTION 4. Upon the receipt of such application, the judge shall have and may exercise the authority and jurisdiction in the matter of such application, conferred by said chapter two hundred and sixty-six, as to the original commitment, and the same proceedings provided for in said chapter may be had in such matter. All the provisions of said chapter two hundred and sixty-six, necessary to such rehearing and further inquiry, to the full determination thereof, and including those relating to costs, fees and expenses, shall be applicable thereto.

When person is determined to be sane.

SECTION 5. If, upon such rehearing and further inquiry, it shall be determined that the person so confined is sane, such judge shall make and enter an order requiring the officers or persons in charge of the hospital, asylum or place in which such person is confined, forthwith to set him at liberty, and such officers and persons shall comply with such order upon being served with a duly certified copy thereof; but if it shall be determined that such person is insane, no further action shall be taken upon such application.

No infirm and imbecile to be committed.

SECTION 6. From and after the time this act shall take effect, no physically infirm or mentally imbecile person, not deemed to be dangerous when at large, shall be committed as an insane person to any hospital or asylum for the insane, solely because of such infirmity or imbecility.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 25, 1881.

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[No. 144, S.] [Published April 1, 1881.]

## CHAPTER 203.

AN ACT relating to water powers, and amendatory of sections three thousand one hundred and forty-nine, three thousand one hundred and fifty, three thousand one hundred and fifty-one, three thousand one hundred and fifty-two, of chapter one hundred and thirty-four of the revised statutes.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Procedure in case of disagreement.

SECTION 1. Section three thousand one hundred and forty-nine of the revised statutes, is hereby amended so as to read as follows: Section 3149. In case of disagreement between owners of water powers or between owners of any rights or interests therein, respecting their rights as such owners, or the use of the waters of such power, or the expense of repairs of dams or other structures required for the operation, maintenance or preservation of the same, or other necessary expenses incident to the care, management, maintenance or preservation of such water power, either party may bring an action in the circuit court, as hereinafter provided, for a determination of any or all such matters of disagreement or difference, or for a partition of any property, pertaining to such water power held by the party bringing such action, and any other of such owners, as joint tenants, or tenants in common.

When comissioners to take charge of property may be appointed.

SECTION 2. Section three thousand one hundred and fifty of the revised statutes, is hereby amended so as to read as follows: Section 3150. Such action shall be brought, and the persons parties thereto shall be served with process therein, as in proceedings under this chapter for the partition of lands, and when so served, or having so appeared, upon its being shown to be necessary or expedient in order to determine the rights of the parties, the court may, by order, appoint one or more commissioners, and empower and direct them to examine into any matters complained of, and upon reasonable notice to the owners, or occupants of such water-power, to enter upon and take control of the mills, machinery, flumes, gates, wheels and other appurtenances of such water-power, and to exercise such reasonable control of the same for such reasonable time

and in such reasonable manner as will enable them to ascertain the respective rights of the parties and to determine the manner of using, applying and preserving the same.

Duties and powers of commissioners.

SECTION 3. Section three thousand one hundred and fifty-one of the revised statutes, is hereby amended so as to read as follows: Section 3151. Said commissioners shall, before entering upon their duties, take and file in said court an oath faithfully to perform their duties as such; shall proceed with reasonable dispatch to investigate the matters referred to them by such order, and take all competent, pertinent evidence offered by any parties to the action touching such matters; such evidence to be taken upon notice given to all parties to the suit as in ordinary cases of trial by referees, and apply such tests as the nature of the case may require, to ascertain and determine the rights of the parties, and the manner of using and exercising such rights, interrupting as little as may be the operations of the owners or occupants of such water-power in the use thereof; shall determine the rights of the parties, and the manner of the use of such water-power, and apportion or determine the basis for the apportionment of such expenses between the persons or parties liable to contribute therefor; and shall report their determination with all the facts, and a full statement of their experiments and the evidence taken by them, to the court, which determination shall be binding upon the parties until changed or modified by the court. In investigating and determining the matters referred to them, such commissioners may also, if so ordered by the court at the time of the appointment of said commissioners, or at any time thereafter upon due notice, consider and act upon any and all data of experiments, observations and measurements, relating to such water-power, previously made by competent engineers and millwrights, reporting all such data considered and acted upon by them to the court as above provided.

Judgment of court.

SECTION 4. Section three thousand one hundred and fifty-two of the revised statutes, is hereby amended so as to read as follows: Section 3152. Upon the coming in of the report of such commissioners, and upon hearing the parties, the court before which the proceedings are pending, shall make such order and enter such judgment as the respective rights of the parties shall require, confirming or modifying the determination of said commissioners, or for the purpose

of more fully determining the the rights of such parties, may continue such commissioners, and upon reasonable notice, on the application of either party interested, order a re-examination of any of the matters complained of, and from time to time, modify its judgment, until the rights of the parties, and the manner of exercising the same, shall be fully settled and defined. Any issue of fact in any such action properly triable by jury, may be tried by jury, with like effect as in other cases; and any judgment or order therein falling within the class of appealable orders as provided by law, may be reviewed by the supreme court as in other cases.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 26, 1881.

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[No. 213, A.] [Published March 30, 1881.]

## CHAPTER 204.

**AN ACT to amend section one thousand five hundred and fifty-six, chapter sixty-six, of the revised statutes, relating to the sale of intoxicating drinks.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one thousand five hundred and fifty-six, chapter sixty-six, of the revised statutes, is hereby amended by adding after the last word in said section, as follows: Any person who shall purchase, pay for, or by any device whatsoever, procure any such liquors or drinks, for or in behalf of any person other than himself, to be drank as a beverage by such other person on the premises, or in any public place, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than five dollars nor more than ten dollars, for each offense. **Penalty for treating.**

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 26, 1881.

[No. 242, S.] [Published March 31, 1881.]

## CHAPTER 205.

**AN ACT to amend section one thousand three hundred and sixty-five of the revised statutes, in relation to drains.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Resident owners may make application to town and county supervisors.**

SECTION 1. Section one thousand three hundred and sixty-five of the revised statutes, is hereby amended by adding thereto the following: And when a majority of the resident owners of any swamp or overflowed lands lying in any town, and an adjoining city shall wish to have a ditch or drain land out, or constructed partly in said town and partly in such city, to drain the same, or for such purpose to straighten or enlarge any water-course therein, they may make an application for that purpose in writing, in duplicate, to the supervisors of such town and to the county supervisors of such city, in the same manner as provided in section one thousand three hundred and fifty-nine of the revised statutes; and such supervisors shall act together and proceed in the same manner in giving notice, deciding upon the application and making the orders, determinations, maps, plans, estimates, divisions, awards and assessments, and in all other proceedings, as provided by law for the supervisors of a town, but every notice, order or determination, award and assessment shall have the approval of and be signed by a majority of the supervisors of such town and city. All papers and proceedings required to be filed or recorded in the town clerk's office, shall be made in duplicate, and one copy thereof filed in the town clerk's office of such town, and one in the office of the clerk of such city, and all notices required to be posted, shall be posted in both such town and city.

**Duty of supervisors.**

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 26, 1881.

[No. 100, S.] [Published March 30, 1881.]

## CHAPTER 206.

**AN ACT to amend section sixteen, of subchapter six of chapter one hundred and eighty-four of the laws of 1874, entitled an act to revise, consolidate and amend the charter of the city of Milwaukee, approved February 20, 1852, and the several acts amendatory thereof, approved March 10, 1874.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section sixteen of subchapter six, of chapter one hundred and eighty-four, of the laws of 1874, is hereby amended by inserting after the word "appeal" at the end of the proviso in said section, the following: and provided also, that if the common council of said city shall, at any time before the city has actually entered upon and appropriated the property to the use for which it is proposed to be taken, by resolution determine and declare that the cost of the property proposed to be taken, whether ascertained by the board of public works or by the court, on appeal in any case from the decision of said board, is unreasonably great or so large as to be burdensome and injurious to the owners of property assessed for benefits thereby, or that for any reason the taking of any property so proposed to be taken for public use is inexpedient, it shall be lawful for the common council to direct that the proceedings for taking any or all of such property be abandoned, and thereupon and thereafter such property, or the part thereof for the taking of which the proceedings are so abandoned, shall be and remain private property the same as if no such proceedings had been instituted for the purpose of taking the same for public use, and the expenses of such proceeding, so abandoned, shall be paid by the said city, out of the fund of the ward or of the wards in which such property is situated: and provided further, that no such abandonment of any proceedings shall in any way hinder or prevent other and subsequent proceedings to take the same property, or any part of it, for the same or any other public use for which it may be taken by law: provided further, that no proceedings for taking property shall be abandoned by virtue of this act, except within thirty days after the time when the amount of the assessment of damages and benefits in respect to such property shall have been confirmed by said council, as provided in section thirteen of subchapter six, of chapter one hundred and eighty-four of the laws of 1874.

**Common council may direct abandonment of proceedings.**

**Abandonment not to interfere with subsequent proceedings to take property.**

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 26, 1881.

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[No. 102, S.] [Published March 30, 1881.]

## CHAPTER 207.

AN ACT to amend section six hundred and seventy of the revised statutes, relating to special powers of the county board.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Dock and wharf lines.

SECTION 1. Section six hundred and seventy of the revised statutes, is hereby amended by adding thereto subdivision twelve, which shall read as follows, to-wit: 12. To establish dock or wharf lines upon navigable waters in counties wherein there is no incorporated city or village; but such county board shall not have power to alter or discontinue such dock or wharf lines.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 26, 1881.

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[No. 155, S.] [Published March 30, 1881.]

## CHAPTER 208.

AN ACT relating to the duties of clerks of the board of public works of the city of Milwakee.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Duty of clerk of board.

SECTION 1. It is hereby made the duty of any clerk of the board of public works of the city of Milwaukee to perform such service as the said board may by its rules prescribe; and when said board shall require any such clerk to sign or certify to an official document issued by said board, his signature shall have the same force and effect as the signature of the secretary.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 25, 1881.

[No. 37, S.] [Published, March 30, 1881.]

## CHAPTER 209.

**AN ACT to authorize James McIntire, and his assigns, to build and maintain piers, booms and other works in the Saint Louis river, and its tributaries, in townships forty-eight and forty-nine, in ranges fourteen and fifteen west, in the county of Douglas and state of Wisconsin.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. James McIntire, and his assigns, are hereby authorized and empowered to drive such piles, build, construct, maintain and keep in repair, such piers, boom, sheer, wing, pocket and all other booms and works, as may be found convenient or necessary, in the Saint Louis river and its tributaries, within the following territory and limits, to-wit: sections five (5) and six (6) in township forty-eight (48) north of range fourteen (14) west, all of townships forty-eight (48) and forty-nine (49) north of range fifteen (15) west, and Pokegama Bay, situated in sections nineteen (19), thirty (30), thirty-one (31) and thirty-two (32) in township forty-nine (49) north, of range fourteen (14) west, all in the county of Douglas and state of Wisconsin, for the purpose of securing, booming, holding, sorting and handling therein all logs, spars, timber, fence posts, railroad ties and other materials, coming or running down or into said river or its tributaries, within the limits of said booms or works, and for the purpose of making said booms and works effectual, may extend the same or any part thereof, as occasion may require, along or across the said river on either side of the natural channel thereof to an extent co-extensive with the jurisdiction of the state of Wisconsin: provided, however, that such piers, booms and works, shall not materially impede or obstruct navigation, and shall not be constructed except upon or in front of lands owned by the said James McIntire, or his assigns, acquired by voluntary conveyance, or upon or in front of which the said James McIntire, or his assigns, shall have acquired by voluntary act of the owner or owners of the land, the right, privilege and authority to construct such works; and such booms and works shall not be constructed or maintained between any dock lines now established or to be established on or near the shores of said Pokegama Bay and the channels thereof, and the said booms, piers and works shall always be and remain subject to the right of the general government,

Location of improvements.

Improvement not to impede navigation.

the state of Wisconsin, or other competent authority, to dredge or maintain channels or basins, or to construct, maintain or use such docks, piers or other structures, as they may desire for the improvement of navigation or the purposes of commerce: and, provided further, that the free communication by water for all crafts between any pier, dock, wharf or shore, and the general line, course and thoroughfare of navigation in said river and bay, shall not be, in any manner, obstructed or interfered with by the said James McIntire, or his assigns, without such owners consent.

Powers conferred.

SECTION 2. And the said James McIntire, and his assigns, in consideration of the improvement to navigation caused by or resulting from the erection, construction and maintenance of said piers, booms and works within the limits aforesaid, and the facilitating of the landing and controlling of logs, timber and other materials aforesaid, by means of said booms and works may, and they hereby are, authorized and empowered to catch, gather, hold and secure within, and receive into said boom or booms and works, and handle and control therein all logs, timber, spars, fence posts, railroad ties, and materials coming or running down said river or its tributaries within the limits of said piers, booms and works, and to sort the same into side or pocket booms, and to store the same therein, for the owner or person having charge thereof, as soon as practicable after they shall arrive in said boom: provided that said James McIntire or his assigns shall not be obliged to retain the same in such pocket, side or other boom or booms for a longer period than thirty days; and in case the same shall not within that time be removed by the owner or person in charge thereof, and said James McIntire or his assigns, shall find it necessary to remove the same to some other locality on said river, then, and in that case, the owner or person having charge thereof, shall pay to said James McIntire, or his assigns, a reasonable compensation for such removal, or any other necessary work done by him or them upon said logs, timber or materials aforesaid, after said period of thirty days, in addition to the boomage hereinafter provided for.

Compensation.

Toll.

SECTION 3. Whenever any logs, timber, or other materials aforesaid, shall be secured, sorted, boomed or stored as aforesaid, in said boom or booms, or by the aid of said works, the said James McIntire, or his assigns, shall have the right to collect and receive a reasonable toll or boomage thereon, not exceeding fifty

cents per thousand feet board measure, for sorting, booming and storing the same, and shall have a lien on all or any portion of such logs, timber and other materials aforesaid, so secured, boomed, sorted and stored, for the payment of all such boomage and toll due on the same mark or lot of logs, and all other sums due thereon as herein contemplated; and the same may be enforced in the same manner as other liens on logs and lumber may now be enforced by or in pursuance of any provisions of law.

Repealed.

SECTION 4. All acts and parts of acts conflicting with the provisions of this act, are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 26, 1881.

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[No. 174, S.] [Published April 1, 1881.]

## CHAPTER 210.

**AN ACT in relation to the high school in the city of Boscobel and to receive certain sums of money therein named.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Duty of state superintendent

SECTION 1. The state superintendent is hereby authorized and directed to fix the amount to be paid to the free high school at Boscobel, from the general fund of the state for the year 1880, in the same manner as provided by section four hundred and ninety-six, of the revised statutes, as amended by the laws of 1879, which sum is three hundred and thirty-eight and forty-five one-hundredths dollars, notwithstanding the neglect of the free high school to make the report to said superintendent, in the manner provided by said section four hundred and ninety-six.

Amount to be certified to secretary of state.

SECTION 2. When said amount to be paid to said free high school board shall have been so fixed by said superintendent, he shall certify the same to the secretary of state, and thereupon the said amount shall be paid to the district treasurer of said schools, out of the state treasury, in the manner now provided by law, the same as if such amount had been fixed and certified by said superintendent at the same time apportionments were made to the other high schools of this state.

Appropriation $338.45.

SECTION 3. There is hereby appropriated out of the general fund in the state treasury not otherwise appropriated, the sum of three hundred and thirty-eight and

forty-five one-hundredths dollars to said free high school, the same being the amount provided for in this act.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 26, 1881.

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[No. 88, A.] [Published April 19, 1881.]

## CHAPTER 211.

AN ACT to encourage the manufacture of syrup and sugar, and for other purposes.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation $4,000.

SECTION 1. There is hereby appropriated to the professor of agriculture in charge of the experimental farm of the university, out of any money in the general fund not otherwise appropriated, the sum of four thousand dollars, or so much thereof as may be necessary, for the purpose of putting up, in connection with said farm, the necessary buildings, machinery and apparatus for the purpose of investigating and carrying on working experiments in the cultivation of amber and other varieties of sugar cane, and the manufacture of syrup and sugar therefrom.

Practical chemist.

SECTION 2. The said professor of agriculture shall have sole charge and control of all the business contemplated in section one of this act, and he is hereby authorized to employ a practical chemist, at an annual salary of not exceeding twelve hundred dollars, and such other assistance as he, the said professor, may deem necessary for the purpose of carrying on such investigations and working experiments.

Salary.

Experiments in the ensilage of fodders.

SECTION 3. During the time such chemist shall not be employed in such investigations, and the manufacture of syrup and sugar, as provided in section one, he shall, under the direction of the said professor of agriculture, make such experiments and such investigations in the ensilage of fodders, as the professor of agriculture may, from time to time direct, provided that no additional compensation shall be allowed or paid therefor.

Report of professor of agriculture.

SECTION 4. The professor of agriculture shall, annually, by the first day of January in each year, make a special report to the governor, of the experiments and workings, and the practical results reached by him, under the provisions of this act, which report

shall also contain a detailed statement of the amount of money expended by him under the provision of this act, and for what purpose paid out.

SECTION 5. Any person, a resident of this state, shall have the privilege and the right to attend on such investigations and working experiments, during working hours, free of charge, and it is hereby made the special duty of the said professor of agriculture, and the said chemist, to render to such persons all the aid and information within their knowledge, relating to the experiments and practical workings of the business under their charge, as provided in this act. Right of citizens to witness experiments.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 28, 1881.

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[No. 165, A.] [Published March 30, 1881.]

## CHAPTER 212.

**AN ACT to amend the charter of the city of Waupaca.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one of sub-chapter two of chapter two hundred and thirty-eight, of the laws of the state of Wisconsin for the year 1876, entitled an act to revive, consolidate and amend an act entitled an act to incorporate the city of Waupaca, is hereby amended so as to read as follows: Section 1. The elective officers of said city shall be a mayor, a treasurer, an assessor, a city clerk, a police justice of the city at large, one alderman, one supervisor and one justice of the peace for each ward, which said officers shall hold their respective offices as follows: The mayor, treasurer, assessor, city clerk, alderman and supervisor for one year; the police justice and justices of the peace, for two years. The mayor, treasurer, assessor, city clerk and police justice shall be qualified voters and residents of said city, and the ward officers shall be qualified voters and residents of the respective wards for which they are elected. Elective officers

SECTION 2. Subdivision one, of section three, of sub-chapter four, of said chapter two hundred and thirty-eight, laws of 1876, is hereby amended so as to read as follows: To license and regulate the exhibition of common showman or shows of any kind, or the exhibition of caravans, circuses, or theatrical performances, billiard tables, bagatelle tables, pigeon hole Powers of common council.

tables and bowling saloons, and so forth, and to provide for the abatement and removal of nuisances, under the ordinances, or at common or statute law, and to grant licenses for selling spirituous, vinous or fermented liquors, and to regulate and license groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous, or fermented liquors, and to revoke the same for a violation thereof, provided that the sum to be paid for any such license shall not be less than the amount fixed and provided by the laws of the state, and that no license shall be granted for a longer time than until the first day of May next after the date of filing the application for such license in the office of the city clerk, and in case the person so applying for a license shall have a former license within a year next preceding such application, then such license shall be granted for the term of one year from the first day of May next prior to the date of the application for license, provided that the common council may in its discretion, grant licenses for the term of six months, in case application be made after the first day of November.

Council may lay out streets, squares, etc.

SECTION 3. Section one, of sub-chapter five, of said chapter two hundred and thirty-eight, laws of 1876, is hereby amended so as to read as follows: The common council shall have the power to lay out public squares, grounds, streets and alleys and to widen the same, and to make all necessary and proper improvements within the limits of said city, as follows: Whenever ten or more freeholders, residing in any one ward, shall by petition represent to the common council that it is necessary to take certain lands within the ward where such petitioners may reside, for public use, for the purpose of laying out public squares, grounds, streets or alleys, or the enlarging or widening of the same or for other public improvements, the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the same shall be known to the petitioners, to be set forth in such petition, the common council shall thereupon cause notice of such application to be given to the occupant or occupants, owner or owners of such land, or if a portion of such land shall not be in the actual occupation of any person, and the owner or owners are non-residents of the said city, or are unknown, then the common council shall cause such notice, describing as near as may be the premises proposed to be taken, to be published in

the official paper for three weeks, at least once in each week.

SECTION 4. Section two of said subchapter five is hereby amended so as to read as follows: Such notice shall state that on a certain day therein to be named, not less than ten days from the service of such notice, or the expiration of such publication, as the case may be, application will be made to the judge of the circuit or county court of Waupaca county, or the police justice, or any justice of the peace of said city, for the appointment of a jury to view said premises, and to determine whether it will be necessary to take the same for the purposes specified in such petition. Application for jury to view premises.

SECTION 5. Section three of said subchapter five, is hereby amended so as to read as follows: Upon the presentation of such application, and upon proof of publication or service of the notice herein required, the said judge or justice shall thereupon appoint six reputable freeholders, residents of the city, but not residents of the ward in which such premises may be, or interested in such application; the said judge or justice shall thereupon issue his precept or summons, directed to such jurors, requiring them within ten days, to view said premises to be specified in said precept or summons, and to make return under their hands to the common council whether in their judgment it is necessary to take said premises for the purpose specified in such application. Appointment of jury.

SECTION 6. Section four, of said subchapter five, is hereby amended so as to read as follows: If any of the jurors so appointed shall be disqualified from acting, or shall refuse to act, the judge or justice shall appoint others in their places, and a memorandum of such substitution shall be indorsed upon the precept or summons. To fill vacancy in jury.

SECTION 7. Section six, of said subchapter five, is hereby amended so as to read as follows: After viewing the premises, and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them respectively, and which shall state whether, in their judgment, it is necessary to take the premises in question for public use, which said report, testimony and precept or summons, shall be returned to the common council within the time limited therein. Report of jury.

SECTION 8. Section four, of subchapter three, is hereby amended so as to read as follows: The city clerk shall keep the corporate seal and all the papers Duty of city clerk.

and records of the city; he shall have the right to procure suitable and proper books, blanks and stationery for his office at the expense of the city; he shall attend the meetings and keep a record of the proceedings of the common council. The records of the common council kept by him shall be evidence in all legal proceedings, and copies of all papers filed in his office, and transcripts from the records certified by him under the corporate seal, shall be evidence in like manner, as if the originals were produced. He shall keep a full and accurate account of all certificates of appropriation and orders drawn on the city treasurer, in a book provided for that purpose, and shall keep an accurate account with the treasurer, and charge him with all the tax lists delivered to him for collection, and all sums of money paid into the treasury. Whenever the clerk shall be absent from any meeting, the city council may appoint a clerk pro tem.; the city clerk shall have power and authority to administer oaths and affirmations, and take acknowledgments of deeds and other instruments; he may appoint a deputy in writing, under his hand, and file such appointment in his office, and such deputy, in case of absence or disability of the clerk, shall act in his place.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Received by the governor March 23, 1881.

Received by the secretary of state March 29, 1881.

Note by secretary of state.

NOTE BY THE SECRETARY OF STATE.— The foregoing act having been presented to the governor for his approval, and not having been returned to the house of the legislature in which it originated within the time prescribed by the constitution of the state, has become a law without his approval.

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[No. 17, A.] [Published March 31, 1881.]

## CHAPTER 213.

AN ACT in relation to public printing in Portage county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Acts of county board legalized

SECTION 1. Chapter two hundred and eighteen of the private and local laws of the state of Wisconsin, for the year A. D. 1868, is hereby declared to be in full force and effect, and all acts of the county board of the said county of Portage, in awarding contracts for the public printing, under and by virtue of said chapter two hundred and eighteen, since the passage and publication of said act, are hereby declared to be legal.

SECTION 2. So much of sections one thousand one hundred and thirty, one thousand one hundred and thirty-one and one thousand one hundred and seventy, of the revised statutes of the state of Wisconsin for the year 1878, as requires publication of the treasurer's list of lands subject to tax sale, and the clerk's list of lands subject to tax deed, to be made in a newspaper that has been published weekly for two years or more, shall not apply to the said county of Portage, or shall not in any manner apply to, alter, or repeal, said chapter two hundred and eighteen of the private and local laws of the state of Wisconsin for the year A. D. 1868.

Not necessary that paper be published two years to entitle it to public printing.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Received by the governor, March 22, 1881.

Received by the secretary of state, March 29, 1881.

NOTE BY THE SECRETARY OF STATE. — The foregoing act, having been presented to the governor for his approval, and not having been returned by him to the house of the legislature in which it originated within the time prescribed by the constitution of the state, has become a law without his approval.

Note by secretary of state.

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[No. 41, S.] [Published March 29, 1881.]

## CHAPTER 214.

AN ACT relating to the sale of lands for delinquent taxes, and amendatory of section one thousand one hundred and thirty of the revised statutes of 1878.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one thousand one hundred and thirty of chapter forty-nine of the revised statutes of the year 1878, is hereby amended by striking out the word "second" where it occurs in the seventh and nineteenth lines of said section, and inserting in lieu thereof the word "third," so that when amended, said section shall read as follows: The county treasurer shall, on the first Monday of April in each year, make out a statement of all lands upon which the taxes have been returned as delinquent and which there remain unpaid, except public lands held on contract, and lands mortgaged to the state, containing a brief description thereof, with an accompanying notice stating that so much of each tract or parcel of land described in said statement as may be necessary therefor, will on the third Tuesday of May next thereafter, and the next succeeding days, be sold by him at public auction, at some public place, naming the same, at the seat of

Sale to be held third Tuesday of May.

justice of the county, for the payment of taxes, interest and charges thereon; and if in any county no seat of justice shall be established, then at such public place therein as he may select; and cause such statement and notice to be published in a newspaper printed in his county, if there be one, and if there be none, then in a newspaper printed in an adjoining county, if there be one, but if there be no newspaper printed in the same or an adjoining county, then such statement and notice shall be published in the official state paper, which statement and notice shall in all cases be published once in each week for four successive weeks prior to said third Tuesday of May; and such treasurer shall also, at least four weeks previous to said day, cause to be posted up copies of said statement and notice, in at least four public places in such county, one of which copies shall be posted up in some conspicuous place in his office, but it shall be unlawful for any county treasurer to publish such statement and notice in any newspaper in his county that has not been regularly and continuously published in such county once in each calendar week for at least two years immediately before the date of such notice, if there be a newspaper which has been so published in such county; and any county treasurer who shall violate the provisions of this section shall forfeit a sum equal to the fees allowed by law for such publications to be sued for and recovered in civil action brought in the name of the state of Wisconsin, one-half of such penalty to be paid to the informant, and the other half into the school fund. And it is hereby made the duty of the district attorney of the proper county, on complaint being made, to prosecute such action.

Notice to be published.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1881.

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[No. 257, A.] [Published April 1, 1881.]

## CHAPTER 215.

AN ACT to amend chapter one hundred and sixty-four private and local laws, approved March 14, 1873, being an act to incorporate the city of Fort Howard.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Compensation.

SECTION 1. Section sixteen of the act of which this is amendatory, is hereby amended so as to read as

follows: Section 16. The mayor, president of the council or alderman at large, and aldermen, shall serve without compensation, and the assessor shall not receive more than one hundred and fifty dollars.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Received by the governor, March 15, 1881.

Received by the secretary of state, March 29, 1881.

NOTE BY THE SECRETARY OF STATE.—The foregoing act having been presented to the governor for his approval, and not having been returned by him to the house of the legisluture in which it originated within the time prescribed by the constitution of the state, has become a law without his approval. Note by secretary of state.

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[No. 389, A.] [Published March 31, 1881.]

## CHAPTER 216.

AN ACT to authorize Kesander Lundburg and Charles Settersten, their heirs or assigns, to build and maintain a pier in the waters of Green Bay.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Kesander Lundberg and Charles Settersten, their heirs or assigns, are hereby authorized to build and maintain a pier in the waters of Green Bay, from fractional lot number four (4) section number seven (7), town number thirty (30) range number twenty-seven (27), Door county, Wisconsin, said pier to extend into the waters of Green Bay a distance not to exceed four hundred (400) feet, and to be used for general shipping purposes. Location of pier.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 25, 1881.

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[No. 282, A.] [Published April 5, 1881.]

## CHAPTER 217.

AN ACT to amend subdivision thirteen of section number three of title number four of chapter number two hundred and fifty-three of the private and local laws of 1868, entitled an act to revise and amend chapter one hundred and seventy-six of the private and local laws of 1857, entitled an act to amend an act entitled an act to incorporate the city of Beloit, approved March 31, 1856.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Subdivision thirteen of section number three of title number four of chapter number two Authority of council.

hundred and fifty-three, of the private and local laws of this state passed in the year 1868, entitled an act to revise and amend chapter one hundred and seventy-six of the private and local laws of 1857, entitled an act to amend an act entitled an act to incorporate the city of Beloit, approved March 31, 1856, is hereby amended so that the same shall read as follows, to-wit: 13. To prevent the discharge of any gun, pistol or other fire-arm or the exhibition of any fire-works in any of the streets or public grounds, or in any place in which the common council may consider dangerous to the city or any property therein, or upon any premises in said city in the possession of another person, without the consent of the person having the possession of such premises; and to prevent the destruction of birds and their young, or eggs, in cemeteries or public grounds or burying grounds.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 25, 1881.

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[No. 249, A.] [Published March 31, 1881.]

## CHAPTER 218.

AN ACT to amend section four thousand five hundred and sixty of the revised statutes of 1878, entitled of offenses against public policy.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Penalty for maliciously disturbing, destroying fish and spawning beds.**

SECTION 1. Section four thousand five hundred and sixty of the revised statutes of 1878, is hereby amending by inserting after the word "beds," where it occurs in the fifth line of said section, and before the word "shall," in said fifth line of said section, the following: "Except the same be for the purpose of artificial propagation of fish," so that said section when amended shall read as follows: Section 4560. Any person who shall catch or take from any inland lake or water course within this state, any fish except mullet, suckers, bill fish, or dog fish, by the use of any spear, net, seine, basket, grapple, trap, or by any other device or means, other than by hook and line or angling, or who shall disturb or destroy their spawning beds, except the same be for the purpose of artificial propagation of fish, shall be punished by fine not exceeding fifty dollars, and such spear, net, seine, grapple, trap or

other device, so unlawfully used, shall be forfeited to the state.

SECTION 2. This act shall take effect and be in force from and after the date of its passage and publication.

Approved March 25, 1881.

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[No. 130, A.] [Published March 31, 1881.]

## CHAPTER 219.

AN ACT to amend section one thousand eight hundred and sixty-two of chapter eighty-seven of the revised statutes, relating to corporations.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one thousand eight hundred and sixty-two of chapter eighty-seven of the revised statutes, is hereby amended so as to read as follows: Section 1862. Corporations for constructing, maintaining and operating street railways, may be formed under chapter eighty-six, and shall have powers and be governed accordingly. Any municipal corporation or county may grant to any such corporation, under whatever law formed, or to any person who has the right to construct, maintain and operate street railways, such use and upon such terms as the proper authorities shall determine, of any streets or bridges within its limits, for the purpose of laying single or double tracks and running cars thereon for the carriage of freight and passengers, to be propelled by animals or such other power as shall be agreed on, with all the necessary curves, turnouts, switches and other conveniences. Every such road shall be constructed upon the most approved plan for such roads, and shall be subject to such reasonable rules and regulations, and the payment of such license fees, as the proper municipal authorities may by ordinance, from time to time, prescribe. All such grants heretofore made shall not be deemed invalid by reason of any want of power in such municipal corporation to grant, or any such railway corporation or such person to take, the same; but as to such respects are hereby confirmed.

Granting of right to maintain street railway, etc.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 25, 1881.

such sluices or gates, so far as such opening may be necessary to render practicable any drive, but after the drive is completed, they shall put said dam again in good condition for use; and for such opening and keeping open, they shall not be liable, nor shall their agents, employes or servants be liable for any damages or trespass to any person.

Compensation for use of improvements.

SECTION 5. For the use of their improvements by any other person, for the purpose of a drive on said stream or its tributaries above said crossing, they are authorized to charge and collect a reasonable sum.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1881.

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[No. 261, A.] [Published March 31, 1881.]

## CHAPTER 222.

AN ACT to appropriate to the state board of immigration, a sum of money therein named.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation, $4,000.

SECTION 1. There is hereby appropriated to the board of immigration of the state of Wisconsin, in addition to the amount already appropriated, the sum of two thousand dollars each for the years 1881 and 1882, out of any money in the general fund not otherwise appropriated, for the purpose of more effectually promoting the cause of immigration to this state; said money to be drawn pursuant to the provisions of chapter one hundred and seventy-six of the general laws of the year 1879.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1881.

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[No. 262, A.] [Published March 31, 1881.]

## CHAPTER 223.

AN ACT to amend section six, chapter one hundred and seventy-six, laws of 1879, entitled "an act to establish a board of immigration."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Secretary and agents.

SECTION 1. Section six, of chapter one hundred and seventy-six, laws of 1879, is amended so as to

read as follows: The board of immigration shall have power to appoint a secretary of its board, who shall be paid a reasonable compensation for his services, to be fixed by said board, and also power to appoint agents, to aid and assist all immigrants who may desire to locate in Wisconsin, and to pay said agents a reasonable compensation for the time of their actual employment.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1881.

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[No. 374, A.] [Published April 2, 1881.]

## CHAPTER 224.

**AN ACT relating to railroad corporations and the duties of the commissioner, and amendatory of section one thousand seven hundred and ninety-seven of the revised statutes.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Commissioner may employ experts to assist in examinations.**

SECTION 1. Section one thousand seven hundred and ninety-seven, of the revised statues, is hereby amended by inserting after the word "maps," where it occurs in said section, the words "and he may, when necessary, take to his aid experts, to assist in examining bridges," so that said section, when so amended, will read as follows: Section 1797. Such commissioner shall keep his office at the seat of government, and shall be provided with a suitable room, necessary office furniture, stationery, books and maps, and he may, when necessary, take to his aid experts, to assist in examining bridges, the expenses thereof to be paid out of the state treasury, but the total sum therefor shall not exceed eight hundred dollars per year. He shall be paid out of the state treasury, in addition to his salary, three dollars per day for traveling expenses for each day actually traveled, in the performance of his duties, and he may employ a clerk at a salary of fifteen hundred dollars per annum, to be paid in like manner. The accounts for all payments authorized by this section shall be audited only when approved by the governor. Such commissioner and his clerk shall have the right of passing, in the discharge of their official duties, on all railroads and railroad trains free of charge.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1881.

[No. 12, A.] [Published March 31, 1881.]

## CHAPTER 225.

AN ACT relating to the inspection and measurement of logs, timber and lumber, and amendatory of sections one thousand seven hundred and thirty, and one thousand seven hundred and thirty-three of the revised statutes.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Describing district number thirteen.

SECTION 1. Section one thousand seven hundred and thirty of the revised statutes of 1878, is hereby amended by adding to said section the following: The Saint Louis river, Nemadji river, and all other streams in Douglas county, number thirteen.

Office at city of Superior.

SECTION 2. Section one thousand seven hundred and thirty-three of the revised statutes of 1878, is hereby amended by adding to said section the following: And of district number thirteen, at the city of Superior.

SECTION 3. This act shall be in force and take effect from and after its passage and publication.

Approved March 29, 1881.

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[No. 409, A.] [Published March 31, 1881.]

## CHAPTER 226.

AN ACT relating to the admission of evidence.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Comparisons permitted.

SECTION 1. Comparison of a disputed writing, with any writing proved to the satisfaction of the court to be genuine, shall be permitted to be made by witnesses in all trials and proceedings, and such writings and the evidence of witnesses respecting the same may be submitted to the court and jury as evidence of the genuineness or otherwise of the writing in dispute.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1881.

[No. 439, A.] [Published March 31, 1881.]

## CHAPTER 227.

AN ACT relating to costs in county and circuit courts on the probate of wills.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. When a decree or judgment is made upon a contested application for probate, or revocation of probate of a will, costs payable out of the estate or otherwise shall not be awarded to an unsuccessful contestant of the will, unless he is a special guardian for an infant appointed by the county or circuit judge, or is named as an executor in a paper propounded by him in good faith as the last will of the decedent. Awarding costs

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1881.

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[No. 483, A.] [Published April 2, 1881.]

## CHAPTER 228.

AN ACT to authorize Chippewa county to issue bonds for the purpose of funding its floating indebtedness.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The board of supervisors of the county of Chippewa, Wisconsin, is hereby authorized and empowered to issue bonds of said county, sufficient to pay and take up all the outstanding floating indebtedness of said county now existing, and for no other purpose. County board may issue bonds.

SECTION 2. Said bonds shall be issued in denominations of fifty dollars, or some multiple thereof, not exceeding five hundred dollars, and numbered in regular order. Said bonds shall be made payable at the pleasure of the county, as follows: The first ten thousand dollars in one year, the second ten thousand dollars in two years, the third ten thousand dollars in three years, the fourth ten thousand dollars in four years, the fifth ten thousand dollars in five years, and the balance in six years from the first day of June succeeding the date of their issue, and shall be made payable absolutely, as follows: The first ten thousand dollars in five years, the second ten thousand dollars in six years, the third ten thousand dollars in seven years, the fourth ten thousand dollars in eight years, the fifth ten thousand dollars in nine years, and the Denomination of bonds. When payable.

balance in ten years, from the first day of June succeeding the date of their issue. They shall bear interest at the rate of not exceeding six per cent. per annum, payable annually at the office of the county treasurer of said county: and provided, that said bonds may be made payable at any bank in the city of Chippewa Falls, and may be made payable to bearer, and that no more of said bonds shall be issued than sufficient to fund the floating indebtedness of said county now outstanding: provided, further, that no bonds issued under the provisions of this act shall be sold for less than par value.

Interest.

Evidence of indebtedness.

SECTION 3. Said bonds shall be signed by the chairman of the board of supervisors and countersigned by the county clerk of said county under the corporate seal thereof, and shall be, in the hands of any bona fide holder of the same, full and complete evidence to establish the indebtedness of said county according to the tenor and effect of said bonds, provided, that no bonds shall be issued except by order of a majority of the board of supervisors of said county, entered upon the record of its proceedings.

Tax levy.

SECTION 4. For the purpose of providing for the payment of the principal of and interest on said bonds, it shall be the duty of the board of supervisors to levy an annual tax, on all the taxable property of said county, of not less than two mills on the dollar, on the valuation for the year in which the tax is levied, to be collected in cash in the same manner that other taxes are collected, and be kept as a special fund to be known as the county bond sinking fund; in addition thereto, it shall be the duty of the county board to authorize the county treasurer to set apart and credit to said county bond fund not less than ten per cent. of all receipts of said county, from the sale of tax sale certificates and county lands; such fund shall be carefully kept for the purpose for which it is created, and an itemized account shall be kept in a separate book provided for that purpose, in which book shall be kept no other matters whatever; and on the first day of June in each year the whole amount to the credit of said fund shall be applied as follows: First, to the payment in full of the interest due on all the outstanding bonds, issued under this act; second, to the redemption of the bonds in their order, commencing with the lowest number outstanding.

Sinking fund, how applied.

In case of surplus.

SECTION 5. When there is a surplus of funds to be applied for the redemption of said bonds, the county

treasurer shall notify the party or parties holding such bonds as will be redeemed, by notifying the bank, in the city of Chhippewa Falls, where the same are made payable, and also by sending a notice to the owner, if the post office of such owner is known to the county treasurer. The funds to redeem the bonds called for redemption shall be deposited in the bank where the same are payable, and interest on said bonds shall cease in sixty days after said notice is received by said bank in Chippewa Falls.

Payment of interest may be anticipated.

SECTION 6. The county treasurer may anticipate the payment of interest on any or all of said bonds for one year, and after the interest to be paid in any one year is fully paid, or there is sufficient to the credit of said fund to pay the same, the surplus, as fast as it accumulates, shall be applied to the redemption of said bonds in their order; and for that purpose said bonds shall be called for redemption in their order, and the interest shall cease on the same, as provided in the preceding section.

New bonds may be exchanged for those now outstanding.

SECTION 7. Whenever the board of supervisors shall authorize the issue of said bonds, they shall be disposed of by the county treasurer, only as fast as the outstanding floating indebtedness is paid, provided that the board of supervisors may authorize the county treasurer to exchange said bonds for any of the bonds now outstanding, or to sell the same, and redeem said bonds with the proceeds.

Amount of issue limited.

SECTION 8. The amount of bonds to be issued under this act shall not exceed seventy thousand dollars, and the total indebtedness of said county shall not, by the issue of said bonds, exceed five per cent. of the assessed valuation of the property in said county at the time the bonds are issued.

Board not to appropriate tax sale certificates

SECTION 9. From and after the passage of this act, the board of supervisors of the county of Chippewa is hereby prohibited from making any appropriation of any of the tax sale certificates belonging to said county of Chippewa, while any bonds of said county are outstanding and unpaid.

SECTION 10. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1881.

[No. 193, S.] [Published April 1, 1881.]

## CHAPTER 229.

**AN ACT to amend section five hundred and ninety of the revised statutes, in relation to the admission of patients to the hospitals for the insane.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**When patient is improperly charged to county.**

SECTION 1. Whenever any inmate, in either state hospital for the insane, shall be improperly charged to the state, or to any county, the attorney general, on behalf of the state and the district attorney of such county, on its behalf, may make written application to the board of trustees of state hospitals for the insane, for relief from charge. If known to the applicant, such application shall state the name of the county to which such inmate is chargeable, or if it be claimed that the state is chargeable therewith, it shall be so stated. The said board shall give to the attorney general, or to the district attorney of the county so named, as may be proper, reasonable notice of such application, and of the time and place when it will be heard. The state or such county may appear, and be heard in opposition to such application. Such application may be supported by affidavits and other proper evidence. If upon the hearing upon such application, the said board shall be satisfied that the relief asked for, should be granted, it shall, by its order in writing, grant the same, and therein name the county chargeable with such inmate, if it shall find any county so chargeable. If it shall find the state chargeable it shall so set forth. From and after the making of such order such inmate shall be charged in accordance therewith: provided, that the county named in such order, if other than the county named in such application, may in like manner apply to said board for relief as to such order and the burden thereby imposed. And in any such case the matter shall be heard and disposed of in the manner hereinbefore provided.

**In case of error in accounts between hospital and county.**

SECTION 2. In any case in which any error has been or shall be committed in the accounts between either state hospital for the insane, and any county, for the support of any inmate of such hospital, or in the amount certified by the secretary of state, to any county, as the amount due and to be assessed upon such county, on account of such support, and such error shall be made to appear from the certificate of the board of trustees of state hospitals for the insane, or from the certi-

ficate from the secretary of either of said hospitals, it shall be the duty of the secretary of state to correct such error, by charging to the state or to the proper county, the support of such inmate properly chargeable to it, or to such county, and by crediting the state or such county with such support when the same has been improperly charged to it, or to such county, or improperly paid. The county so credited shall have the benefit of such credit, when such secretary of state shall certify to it the sum to be raised for its then next state tax; and the county so charged shall have the amount thereof certified to it, as an item of its state tax, when such secretary of state shall certify to it the sum to be raised for its then next state tax.

When inmate of hospital is not resident of state.

SECTION 3. Whenever it shall be found that any insane inmate of either of said hospitals is not a resident of this state, and that neither the state nor any county therein is properly chargeable for the support of such inmate, it shall be the duty of the state board of charities and reform to make inquiry as to, and, if possible, ascertain the residence of such inmate, and to communicate with the proper officers of the state, county, dominion or other political division, of which such person may be found to be a resident or in which he or she may be entitled to support, with respect to his or her return into the same; and if practicable to cause such inmate to be removed from such hospital and transported to and to be delivered into the custody of the proper officer or officers of such state, county, dominion or other political division: provided, that the cost of the same shall not in any case exceed one hundred dollars, to be provided for, audited and paid from the funds of the hospital from which such inmate shall be removed, in the same manner that other bills are provided for, audited and paid.

Repealed.

SECTION 4. All acts and parts of acts conflicting with the provisions of this act, are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1881.

[No. 176, S.] [Published April 1, 1881.]

## CHAPTER 230.

AN ACT to amend an act entitled "an act to consolidate and amend an act entitled an act to incorporate the city of Madison and the several acts amendatory thereof," approved March 16, 1880.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Costs of surveying and opening streets, etc.

SECTION 1. Section ten of chapter six of said act, is hereby amended so as to read as follows: Section 10. The cost and expense of surveying streets, alleys, sewers and gutters, and of estimating work thereon in the execution of any public improvement, shall be chargeable to and payable by the city. The cost and expense of opening, grading, graveling, planking, paving or repairing streets and alleys, shall be chargeable to and payable wholly or in part by the lots or land fronting on such street or alley, so that each lot or parcel of land shall pay for work between the front of each lot or parcel of land and the center of such street or alley, or such proportion thereof as the common council shall determine, or out of the general fund; sewers and gutters may be ordered by the common council, and built at the expense of the lots or parts of lots benefited thereby, and fronting upon the side of the street along which said sewer or gutter shall be constructed: provided, however, that when sewers or gutters are constructed through alleys, no lots shall be assessed therefor except those situated in the block through which such sewers or gutters may be constructed: and provided further, that in all cases when improvements or work of any kind are chargeable by virtue of this section, upon lots benefited, all such improvements across streets, alleys, and public grounds, shall be made and paid for by the city, in proportion to the width of the street, alley, or public ground.

Fiscal year.

SECTION 2. Section six of chapter seven of said act, is hereby amended so as to read as follows: Section 6. The fiscal year of the city of Madison, shall commence on the first day of September, on which day or as soon thereafter as the certificate of the county clerk, stating the amount of state and county taxes apportioned to the city of Madison shall be received, the clerk shall notify the mayor, who shall call a special meeting of the council as soon as practicable, at which meeting or within five days thereafter the council shall, by resolution, determine what amount of money, including the estimated revenues of the city not derived from direct taxation, for the current fiscal year, will be

required for all city purposes during that year; and the council shall thereupon, by resolution, levy a tax, which, together with the tax required to be levied for state, county and county school purposes, and for delinquent taxes of the preceding year, shall not exceed in amount one and seven-tenths per cent. of the assessed value of the real and personal property of the city for that year. Of the amount so levied, a sum equal to three-tenths of one per cent. of the assessed valuation of the real and personal property of the city shall be set apart and used for the payment of interest and principal on the bonded debt of the city, so long as any such debt shall remain unpaid, and a further sum, equal to four-tenths of one per cent. of the assessed valuation of the real and personal property of the city or such less sum as the board of education may, by resolution, determine to be sufficient, shall be set apart and used for the payment of the current and contingent expenses of the city schools, and for no other purpose whatever. And such sum as shall be included in the estimates, made in pursuance of this section, for Forest Hill cemetery, shall be set apart and used for the payment of the expenses of maintenance of said cemetery, and for no other purpose. And the remainder of the tax levied under the provisions of this section shall constitute the general fund of the city. All resolutions for the purpose of levying taxes shall require for their passage an affirmative vote of two-thirds of all members of the common council, and the common council may, for the year 1881, transfer by resolution duly adopted, not to exceed three thousand dollars, now in the sinking fund, to the credit of the general fund, for the purpose of purchasing a stone crusher or lowering the lakes, or both, and it shall be the duty of the common council during the year 1882, to transfer from the general fund to the sinking fund, the sum of three thousand dollars.

Tax levy.

Payment of interest on public debt.

School fund.

Cemetery fund.

General fund.

Sinking fund.

SECTION 3. The common council is hereby authorized and empowered to purchase, at its pleasure, bonds of the city of Madison, at the best attainable rate.

Purchase of city bonds.

SECTION 4. All licenses hereafter granted for the sale of strong, spirituous, malt, ardent or intoxicating liquors in said city, shall be granted to expire on the first day of September next following in each year.

Expiration of liquor license.

SECTION 5. All acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.

Repealed.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1881.

[No. 78, S.] [Published April 1, 1881.]

## CHAPTER 231.

AN ACT relating to the incorporation of the city of Oconomowoc, and amendatory of chapter two hundred and thirty-nine of the laws of 1879.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Authority of street commissioner.

SECTION 1. Chapter six of chapter two hundred and thirty-nine of the laws of 1879, is hereby amended so as to read as follows: Chapter VI. Section 1. The street commissioner of said city shall, under control of the common council thereof, or its committee on streets, have the supervision of all work done on the streets and highways of said city, but the common council may by resolution direct the letting by contract of any work on said streets, gutters, sidewalks or bridges, as it may see fit. It shall be the duty of the street commissioner at all times to obey the orders, directions and resolutions of the common council of said city, or its street committee, whether verbal or in writing. His failure so to do shall be good cause for removal, which may be done by the said common council by resolution thereof after notice and hearing. On said removal said common council shall, by a majority vote, select his successor, who shall hold the office for the unexpired term. After said successor shall have been so elected, and shall have qualified for the office, he shall demand of his predecessor all the books, papers, moneys and property belonging to said office, from him; said commissioner so removed shall forthwith on such demand immediately surrender to his successor all the books, papers and records belonging to said office in his hands, and shall pay over all moneys in his hands held by him by virtue of said office belonging to said city, and on his failure to do so his bond and the sureties thereof shall be liable in an action to recover the same, brought by said city. He shall also make such account to the common council of said city of all his doings as it by resolution shall direct. Section 2. It shall be the duty of the said street commissioner to make report of the condition of the streets of said city and estimate the amount necessary to be raised for highway purposes whenever the said common council shall demand it. He shall not expend in any one year any greater sum upon the streets of said city than the funds provided for that year, unless the common council shall

In case of removal.

Street commissioner's report. Condition of streets.

direct it otherwise. Section 3. Every male inhabitant of the city over twenty-one years and under the age of fifty years, excepting all disabled soldiers who served in the late war, paupers, idiots, and lunatics, and such others as may be exempted by law, shall be assessed and pay a poll tax of one dollar and fifty cents, or one full day's work, to be performed on the streets of said city under the direction of the street commissioner. Section 4. On or before the fifteenth day of May in each year the street commissioner shall make a list of all persons in the city liable to pay a poll tax, certify to the same, and file the same with the city clerk. The said clerk shall place in the list the names of all persons in addition thereto which he may by any means ascertain to be liable to pay said poll tax, and on or before the twentieth day of May in each year, the city clerk shall make a complete list in duplicate of all persons liable to pay a poll tax in said city and annex thereto a warrant in the following form: To the street commissioner of the city of Oconomowoc: You are hereby required to collect from the several persons in the annexed list a poll tax, as by law established, within the time by law limited, and to apply the tax by you collected, in repairing, graveling or grading the streets of this city, as by law authorized, and to this warrant make due return, as by law required. Dated, the ——— day of ———, 18—. ———, Mayor. ———, City Clerk. Which shall be signed by the mayor and city clerk, and one of which shall be delivered to the street commissioner on or before the day above mentioned, and the other shall be filed in the city clerk's office. Section 5. The said street commissioner shall notify such persons in such list, of the time and place when they may work out said tax by labor as he shall choose, and if such persons so notified shall not appear and work the same at the time and place by said commissioner designated, it shall be taken that such person so liable shall have elected to pay said tax in money instead of labor. The said street commissioner shall then demand payment thereof in money, and in case any such person shall neglect or refuse to pay such tax in money, for ten days thereafter, then such street commissioner, in the name of the city, shall sue for and collect such tax, with fifty per centum damages on the same, with costs of suit, before any justice of the peace of said city, and in default of payment of any judgment obtained on such suit, execution shall issue against

Poll tax.

Form of warrant.

Notification to work poll tax.

the defendant as in cases of tort, and the first process in such actions shall be by civil warrant; and the said street commissioner, while said list is in his hands for collection, may put upon the same the names of all such persons liable to such tax as have been omitted therefrom, who shall then be liable, the same as if their names were originally placed in such lists; but the common council may by resolution, at any time, strike any name from said list in its opinion improperly there. Section 6. It shall be the duty of the street commissioner, immediately after he shall enter upon the duties of his said office, to demand of the city treasurer the highway funds in his hands. The said treasurer shall pay the same on said demand to him and take his receipt therefor in duplicate, one of which receipts shall be filed with the city clerk, who shall credit the city treasurer with said amount, and charge the same against the said commissioner; but the said treasurer shall pay no funds to said commissioner until said commissioner shall have furnished and filed his official bond, as required by law. Section 7. The funds received from the city treasurer by said street commissioner, together with the poll tax collected by him, shall constitute the highway fund of said city for the fiscal year, and under the direction of the common council and the street committee thereof, it shall be expended by the street commissioner in repairing and grading the streets of said city and in keeping said streets free from filth and obstructions. Said moneys shall not be expended faster than the said common council may direct, and a reasonable sum shall be kept on hand, to be expended during the year in keeping the streets clean and passable. The prices paid for labor shall be regulated by the usual prices paid in and about the city for like services in the year. And the common council may, if it shall see fit, by resolution, direct and determine the amount. The said street commissioner shall not take credit for, or pay any claim against the said highway fund, until said claim shall be audited and examined, and certified to be correct, by the street committee or a majority thereof, who shall adjust such claims and accounts as often as once a week, if demanded. It shall be the duty of said commissioner to keep exact and careful account of all receipts and expenditures by him received, and made on account of said highway fund, and to submit the same to the common council or the street committee thereof for their information and ex-

Treasurer to pay over highway fund.

What to constitute highway fund.

amination, whenever demanded by them. Such account must disclose the items of all expenditures made by him, and the price paid therefor. Books for that purpose to be furnished by the city. Section 8. On or before the first Monday in March of each year, the said street commissioner shall make full report of his doings for the past year, verify the same and file it, together with his poll tax list, and all books of his office upon which his accounts are kept, with the city clerk, which account shall show the names of all persons employed by him, all teams, wagons and implements hired by him, and all materials purchased by him, and the price of same. Also the amount collected or received from the city treasurer, and the amount collected on the poll list, either in money or labor, and the amount returned uncollected and from whom, and the reason why, and also the amount, in his hands unexpended, belonging to said highway fund, if any. The same shall be submitted to the common council for its examination by the city clerk at the first meeting thereof after the filing of same. In case such street commissioner shall neglect or refuse to make out and file such verified account as required by this act, or return and file his said tax list, or his books of account, or his vouchers as audited by the street committee; and in case said common council or the street committee thereof shall find that the said street commissioner shall have made a false return in his said account, or shall have converted or paid out any moneys coming into his hands by virtue of his office, to his own use, which belong to said city, he shall forfeit and pay a fine of not less than twenty-five nor more than two hundred dollars. And he shall be held on his bond, together with his sureties therein, to pay the amount of any such deficiency as can be established against him, and all costs, into the city treasury. And the common council shall immediately cause suits to be brought against said street commissioner to recover said forfeiture, and against him and his sureties, to recover said deficiency with costs. If upon rendering such account any moneys shall remain in the hands of such commissioner, he shall immediately pay over the amount to the city treasurer. In case of his failure or neglect to pay the same the common council shall by resolution direct the city treasurer to demand the amount of him, and if he shall fail to pay the same at once on said demand, action shall be commenced in the name of said city against him and his sureties on

**Commissioner to make annual report.**

**In case of false return.**

Commissioner's bond.

his bond, to recover same with costs. Section 9. The said street commissioner shall, before he enters upon the duties of his office, execute a bond to the said city of Oconomowoc, conditioned that he will account for and make proper application and payment of all moneys that may come into his hands, by virtue of his office. That he will obey the orders, mandates, and directions of the common council and street committee of said city, and that he will in all things faithfully discharge the duties of said office, according to law and the statute in such case made and provided. Said bond shall be in such penal sum as the common council shall determine, which shall not be less than double the amount which will probably at any one time be in his hands during his term of office, and shall be with at least two sureties, and to be approved by said common council. Said street commissioner shall be paid such compensation out of the general fund of the treasury of said city as the common council shall fix, which amount shall be established each year as is already provided. The street committee of the common council shall receive such compensation for its services as the common council shall deem proper.

Amount of funds.

SECTION 2. Section two of chapter five of chapter two hundred and thirty-nine of the laws of 1879, is hereby amended so as to read as follows: Section 2. The amount of each fund shall be determined by said common council on or before the third Monday in November, in each year, and shall be raised in money; but the sum fixed for the highway fund shall not exceed one mill upon the dollar of the assesed valuation of the property in said city at said time; this limitation is not to apply to moneys raised for the building or repairing of bridges, or approaches thereto.

Repealed.

SECTION 3. Sections twelve, thirteen and fourteen of chapter three of chapter two hundred thirty-nine of the general laws of 1879, are hereby repealed. All of said chapter six of chapter two hundred and thirty-nine of the general laws of 1879, not incorporated in this act, and all acts and parts of acts in conflict herewith, are hereby repealed.

Inforcing clause.

SECTION 4. This act, including also all the repealing clause thereof, shall take effect and be in force from and after the first day of October, A. D. 1881, but the street commissioner of said city shall make the report required by section eighteen of chapter six of chapter two hundred and thirty-nine of the laws of 1879, and proceedings shall be had on said report for the year

1881, as if said section had not been repealed and said funds so collected, if any, shall constitute a part of the highway fund for the ensuing year.

Approved March 29, 1881.

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[No. 333, A.] [Published April 7, 1881.]

## CHAPTER 232.

**AN ACT to amend section seven hundred and ninety-six, chapter thirty-eight, of the revised statutes of 1878, relating to town elections.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Polls to remain open during noon hour.**

SECTION 1. Section seven hundred and ninety-six chapter thirty-eight, of the revised statutes of 1878, is hereby amended so as to read as follows: Section 796. The polls of the election shall be opened between the hours of nine and ten o'clock in the forenoon, and shall remain open until five o'clock in the afternoon, and the inspectors shall cause proclamation to be made at the opening of the polls, and at the closing thereof, and proclamation in like manner at least one hour before the closing of the polls, specifying the hour at which the polls of the election will be closed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1881.

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[No. 111, S.] [Published April 8, 1881.]

## CHAPTER 233.

**AN ACT to provide for the humane care of the chronic insane not otherwise provided for.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Board to prescribe rules for care of insane in certain cases**

SECTION 1. Whenever it shall appear to the state board of charities and reform that insufficient provision has been made for the care and support of the insane in the state hospitals and county asylums previously established, according to law, said board may file with the secretary of state a list of counties in which no county asylum exists, and which, in the opinion of the said board, possess accommodations for the proper care of the chronic insane; and thereafter each of said counties so named, which shall care for its

own chronic insane, under such rules as said board shall prescribe, on the properly verified certificate of said board to the secretary of state, shall receive the sum of one dollar and fifty cents per week for each person so cared for and supported, as hereinafter provided.

Insane cared for by county to be certified to secretary of state.

SECTION 2. On the first day of October, in each year, the county superintendent of the poor, or other officer having charge of the poor of any county on said list, claiming compensation for the care of its chronic insane, shall certify to the secretary of state the names of all persons necessarily cared for and supported by said county at public cost, the date when said persons became insane, and the number of weeks each of said insane persons were cared for during the preceding year, making affidavit to the same; and if such certified statement shall be approved by said board of charities and reform, the secretary of state shall include the amount which such county shall be entitled to receive from the state under the provisions of this act, in the next state tax, and on the first day of February thereafter shall place said amount to the credit of said county.

In case chronic insane are not properly cared for.

SECTION 3. Whenever, in the opinion of said board of charities or reform, any county has not made suitable provisions for the proper and humane care of either its chronic or acute insane, the said board may direct the removal of either class of said insane to any county asylum, or to any other county possessing suitable accommodations therefor, for care or medical treatment, as the circumstances may seem to require; and said insane shall be so removed at the expense of the county to which they belong.

Counties having accommodations may receive such patients as board of charities and reform may direct.

SECTION 4. Any county named in the first section of this act, possessing accommodations for a greater number of the chronic insane than reside in such county, may receive such additional insane persons as the state board of charities and reform may direct to be transferred thereto, from counties that do not possess accommodations for the proper care of their own insane, and may include all such persons in the list of insane certified to the secretary of state, as provided in the second section of this act, and shall receive from the secretary or state a credit to the amount of three dollars per week for each such person so received and cared for from another county, and for the amount necessarily expended for clothing said person; one dollar and a half of the aforesaid amount of three dol-

Compensation.

lars per week, and the amount actually expended by such county for clothing such insane person, shall be charged by the secretary of state to the county from which such insane person was sent, and shall be included in the amount charged in the next state tax to said county.

When counties are not entitled to compensation.

SECTION 5. Nothing in this act shall be construed to entitle any county to compensation for the care and support of any person not previously adjudged to be an insane person and properly committed as such under the laws of this state, relating to the commitment of insane persons to the hospitals of this state; nor shall any county be entitled to compensation for the care and support of any insane person not lawfully and necessarily a public charge.

Laws relating to the poor to apply.

SECTION 6. Sections one thousand five hundred and two, one thousand five hundred and three, one thousand five hundred and four and one thousand five hundred and five of chapter sixty-three revised statutes of 1878, relating to the relief and support of the poor, are hereby declared to be applicable to insane persons, in the same manner and to the same extent that they now apply to other classes unable to maintain themselves, described in section one thousand five hundred and two of said chapter.

Vacancies in board of trustees.

SECTION 7. Whenever a vacancy shall hereafter occur in the board of trustees of any county asylum, by reason of resignation or otherwise, such vacancy shall be filled by appointment, in the same manner and for the same length of time as is now provided in section five hundred and eighty-one, chapter thirty-two, revised statutes of 1878, in respect to trustees, for the government of state hospitals for the insane.

County board to make appropriations.

SECTION 8. It shall be the duty of the board of supervisors of any county in this state in which any county asylum has been established for the care of the insane, to make sufficient appropriations quarterly in advance for the support and maintenance of said asylum, in accordance with the estimates of the board of trustees of said asylum, for an amount in the aggregate equal to the amount per capita provided by law to be paid to said county by the state for the support and maintenance of such asylum, with such additional amount as may be necessary for improvement of the grounds and buildings, or such lesser sum as shall be equal to the estimates of said trustees for the purposes named; and such appropriations so made, shall be paid for said purpose, on the order of said board of

trustees, in such manner as said board may provide in its by-laws.

Insane convicts may be transferred to Milwaukee asylum

SECTION 9. With the advice and approval of the governor, the state board of charities and reform may contract, at a price not exceeding four dollars and twenty-five cents per week, with the trustees of the Milwaukee county asylum for the insane, for the care and maintenance of convicts now insane, or who may hereafter become insane, or for the care and maintenance of any person who may be acquitted of any criminal charge on the ground of insanity; and when any such persons shall have been transferred to such asylum, they shall be maintained and cared for under such rules and regulations as the state board of charities and reform may prescribe. But in case any such person, transferred to said asylum, after conviction, from any prison in this state, shall become sane, said person shall be returned to the prison from which he was transferred to said asylum, and be subject to the same conditions of his original commitment to said prison, time excepted, as if he had not been transferred to said asylum.

Duty of secretary of state.

SECTION 10. Section six hundred and four *k*, revised statutes of 1878, is hereby amended so as to read as follows: As early as practicable in the month of July, 1881, and in the months of January and July every succeeding year, the secretary of state shall compute the aggregate amount which any county, maintaining a county asylum for the insane, shall be entitled to receive from the state on the basis of two dollars and seventy-five cents per week each, for all insane persons, certified by the trustees of said asylum to have been maintained by such county at public cost, during the six months immediately preceding the first days of January and July, as aforesaid; and he shall thereupon draw his warrant for such aggregate amount, in behalf of said county, and shall deliver said warrant to the state treasurer, who shall thereupon place the amount of said warrant to the credit of said county, on the books of the treasury. Such certificate shall be verified by the affidavit of the president and secretary of the board of trustees.

Same.

SECTION 11. The amount due from the state to the county of Milwaukee for maintaining its county asylum from the twenty-sixth day of March, 1880, to the first day of January, 1881, shall be computed by the secretary of state, and paid by the state treasurer, in the same manner and to the amount per week, for all the

insane persons maintained by such county at public cost, provided by the last preceding section of this act.

Property of insane person to be liable for his support.

SECTION 12. The property and estate of any insane person, kept in any state or county asylum, or kept by any county at public charge, under the provisions of this act, shall be liable for his support and maintenance, and chargeable for the payment thereof, and upon failure of the person or persons having the charge or custody of such property or estate, to pay therefrom for such support and maintenance, the board of trustees of the hospital or asylum, or the chairman of the board of supervisors of the county furnishing such support, may apply to the county judge of the proper county to compel such payment. In cases arising under the provisions of this section, such county judge shall have the jurisdiction and authority conferred by chapter sixty-three, of the revised statutes, and shall exercise such jurisdiction and authority, in the manner provided by said chapter, and he may enforce obedience to his orders by proceedings as for a contempt. If any order or orders made by such judge requiring such payment shall not be complied with, either of the officers in this section designated, to-wit: such board of trustees of any hospital or asylum or the chairman of the board of supervisors of any county, may recover in an action against the person or persons having the charge or custody of such property or estate, brought in the circuit court against him or them in his or their representative character, the amount directed to be paid by such order or orders and any judgment so recovered, may be satisfied out of such property or estate; such court may in its discretion direct that the costs in such action, if the plaintiff recovers judgment, be paid out of such property or estate or by the person or persons having the charge or custody thereof.

County may select what insane shall be returned.

SECTION 13. Any county having chronic insane to be returned or delivered to it, under the provisions of this act, may select the persons to be so returned; such selection to be made in writing by the chairman of its board of supervisors, or the board of trustees of its asylum, and left, together with a proper receipt, for the person or persons delivered with the institution from which such person or persons shall be received.

Appropriation.

SECTION 14. There is hereby appropriated out of the state treasury, from any moneys not otherwise appropriated, a sufficient sum for the purposes of this act.

SECTION 15. All acts and parts of acts, so far as they conflict with the provisions of this act, are hereby repealed.

SECTION 16. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1881.

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[No. 522, A.] [Published April 5, 1881.]

## CHAPTER 234.

AN ACT to authorize the county of Clark to aid the Black River railroad company in the construction of a railroad in said county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Transfer of county lands to railway company.

SECTION 1. The board of supervisors of the county of Clark is hereby authorized and empowered to aid the Black River railroad company, its successors or assigns, in the construction of a railroad from the present terminus of said company's road near Neillsville, in said county, to such point within or without said county as may be agreed upon between said company and said board of supervisors, by a grant to said company, its successors or assigns, of the whole or any portion of the lands to which the said county of Clark has acquired an absolute title in any manner, and to execute and deliver to said company, its successors or assigns, conveyances good and sufficient in law for any and all lands so granted: provided, however, that no such conveyance shall be delivered until the said road shall have been completed between the points agreed upon as aforesaid; and provided further, that said board of supervisors shall not dispose of said lands until after the proposition to so dispose of them shall have been submitted to the qualified voters of said county, and by them approved.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1881.

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[No. 284, A.] [Published April 2, 1881.]

## CHAPTER 235.

AN ACT to authorize the city of Milwaukee to extend the seventh ward park to the south line of Mason street, and to condemn and take property for that purpose, or to lease or to acquire the same by purchase, and to hold the same in trust for the use of the seventh ward of said city.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Completion of seventh ward

SECTION 1. The provisions of chapter six of chapter one hundred and eighty-four, of the laws of 1874,

being the charter of the city of Milwaukee, and of the several acts amendatory of said chapter, are hereby so amended and enlarged, as to authorize said city to take and acquire the necessary lands and property for the purpose of extending and completing the seventh ward park to the south line of Mason street, as the same are named in chapter one hundred and forty-one of the private and local laws of 1868, and any acts amendatory thereof; and in addition thereto, such other portions of block one hundred and eight in said seventh ward, as the common council of said city may, by resolution, determine to acquire for said park.

Park authorized.

SECTION 2. In case said city cannot agree with the owner or owners of any of the land required for said park, on the terms of purchase, it is hereby authorized to condemn and take the same in the manner required by law, to enable said city to take and condemn lands for the purpose of laying out streets, alleys, public squares and grounds: provided, that for the purposes contemplated by this act it shall not be necessary to have any petition of freeholders, or bond; but the common council shall, by resolution adopted by an affirmative vote of a majority of the aldermen of said ward, direct proceedings to be had for such purpose, and thereafter the proceedings shall be, in all respects, as provided by law, for the taking of property for public use as a street, without petition or bond.

In case of disagreement with owners of lots.

SECTION 3. The city of Milwaukee is hereby authorized to purchase, or lease with the privilege to purchase, by agreement with the owners, any or all of the lands and property contemplated to be taken for the purpose of such park, but no such purchase shall be made until the same shall have been ordered by the common council of said city, by resolution adopted by an affirmative vote of a majority of the aldermen of said ward, specifying the land to be purchased, the maximum price to be paid therefor and the terms of payment. Any such purchase may be made in whole or part on credit, and for that purpose the proper officers of said city may execute and deliver to the vendor of such land or property purchased, an instrument creating a lien thereon and any improvements thereon, for such purchase money without creating any corporate liability therefor, to secure the whole or any part of the price in installments extending not more than ten years from the date of such purchase, which installments may bear interest at such rate as shall be agreed on, not exceeding seven per cent. per annum.

City may lease or purchase.

City to hold lands in trust.

SECTION 4. All such lands so taken, purchased or leased, shall be held by said city in trust for said seventh ward for the purpose of a park, to be an extension of the seventh ward park, and shall be improved, cared for and governed, as is in that respect provided in chapter one hundred and forty-one of the private and local laws of 1868, and the laws amendatory thereof, the same as if such provisions were herein incorporated and enacted.

Seventh ward fund; and special assessments.

SECTION 5. All moneys required to be paid for the taking of any lands or property under this act, (except such as shall be collected for assessments for benefits), or for the purchasing or leasing of any lands or property under this act, shall be chargeable to and paid out of the seventh ward fund, and not otherwise; and for the purpose of providing such moneys, it shall not be lawful to exceed the limit now fixed by law for such ward fund, and for the purpose of special assessments for benefits under this act, the property lying in said ward, shall be taxable therefor.

Proceedings may be abandoned.

SECTION 6. If the board of public works or common council of said city shall at any time determine that the cost of the property proposed to be taken, whether ascertained by the said board or by the court on appeal in any case from the decision of said board, is unreasonably great, or so large as to be burdensome and injurious to the owners of the property assessed, to pay for the same, or if for any reason, the taking of any of the land authorized to be taken for such park shall be inexpedient, it shall be lawful for the board or the common council to abandon the proceedings for taking any or all of such land, which shall, therefore, remain the property of the owners thereof, as if such proceedings had not been commenced, and the expenses of the proceedings so abandoned shall be paid by the ward in which such land lies. Such abandonment shall not prevent the subsequent resumption of such proceedings under this act, it being the intention of this act to authorize the creation of such park, so far as the same can be done to the advantage of the tax payers of the said ward, and at a moderate reasonable cost, and not otherwise.

Amendment to charter.

SECTION 7. This act is hereby declared to be an amendment of the charter of said city, and all acts and parts of acts contravening the provisions of this act, in so far as they conflict herewith, are hereby repealed.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1881.

[No. 364, A.] [Published April 2, 1881.]

## CHAPTER 236.

**AN ACT to provide for the better collection of statistics.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The clerk of each town and city, and of each village which collects their taxes independently of the town, and the town clerk of each town in which any village is situated, the taxes for which village are collected by the town treasurer, shall annually at the time he is required by law to deliver the tax roll to the town, city or village treasurer, make out and transmit to the county clerk, on blanks furnished by the secretary of state, a statement showing the assessed valuation of all property within his town, city or village; and separately the amount of all taxes levied therein by said town, city or village, including school district, highway, street and sidewalk taxes for the current year, and the purposes for which the same were levied; also a complete and detailed statement of the bonded and other indebtedness of his town, city or village, and of the accrued interest, if any, remaining unpaid, and the purposes for which said indebtedness was incurred. **Town, city and village clerk to transmit certain statistics**

SECTION 2. The county clerk of each county shall annually between the first day of January and the third Monday of January in each year, make out and transmit to the secretary of state, on blanks furnished by the secretary of state, a tabular statement of the statistics of valuation, taxes and indebtedness, reported by the town, city and village clerks aforesaid; and also separately, the assessed valuation of all property within his county as last fixed by the county board of supervisors, and the amount of all county taxes levied thereon during the preceding year, and the purposes for which the same were levied; also a detailed statement of the purposes for which the county tax was expended during the preceding year; and also a detailed statement of the bonded and other indebtedness of his county, and of the accrued interest thereon, if any, remaining unpaid, and the purposes for which said indebtedness was incurred. **Duty of county clerk.**

SECTION 3. Any town, city, village or county clerk who shall neglect or refuse to make true return as herein provided, shall forfeit not less than twenty-five nor more than one hundred dollars. **Penalty for neglect.**

SECTION 4. It shall be the duty of the several county clerks to distribute to the proper town, city and village **County clerk to distribute blanks.**

officers, at the expense of the county, all blanks, forms and instructions relating to statistics, assessments and elections, which shall be prepared and furnished for that purpose by the secretary of state, and any county clerk who shall willfully refuse or neglect so to distribute said blanks, forms and instructions, after due request thereto by the secretary of state, shall forfeit not less than twenty-five nor more than one hundred dollars.

Repealed.

SECTION 5. All acts and parts of acts conflicting with the provisions of this act, are hereby repealed.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1881.

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[No. 230, A.] [Published April 4, 1881.]

## CHAPTER 237.

AN ACT to amend sections one, two, three, six and seven, of chapter ninety-five, laws of Wisconsin for the year 1880, entitled an act to authorize the county of Outagamie to borrow money.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Loan for $26,000 of trust funds authorized.

SECTION 1. Section one of said chapter ninety-five, laws of Wisconsin for the year 1880, is hereby amended so as to read as follows: The commissioners of public lands are hereby authorized to loan a portion of the trust funds of this state, not exceeding twenty-six thousand dollars, to the county of Outagamie, in this state, for the purpose of constructing a court house, and the said county of Outagamie is hereby authorized to borrow a fund, not exceeding twenty-six thousand dollars, of said commissioners, and to issue to said commissioners certificates of the indebtedness so contracted; said indebtedness shall be paid in three equal installments, the first installment to be paid on the fifteenth day of May, 1884, the second installment on the fifteenth day of May, 1885, the third and last installment on the fifteenth day of May, 1866, and said indebtedness shall bear interest at seven per cent., and said interest thereon shall be paid annually until the whole of said indebtedness is paid.

Secretary of state to apportion interest and installments of principal.

SECTION 2. Section two, of said chapter ninety-five, laws of Wisconsin for the year 1880, is hereby amended so as to read as follows: Each and every year thereafter, until the whole loan, principal and interest, shall be paid, the secretary of state shall, when

he apportions the state taxes among the several counties, add to the state tax which would be properly chargeable to said county of Outagamie, the annual interest due the state on said loan, and the said secretary of state shall, when he apportions the state tax among the several counties, as aforesaid, for the years 1883, 1884 and 1885, add to the state tax which would be properly chargeable to said county of Outagamie, for the years last above mentioned, a sum sufficient to pay the amount of the installment due on said loan for the years 1884, 1885 and 1886, and the same shall be levied and collected out of the taxable property of said county, and paid over to the state in the same way as other state taxes are levied, collected and paid.

**County board to annually levy amount required.**

SECTION 3. Section three of said chapter ninety-five, laws of Wisconsin for the year 1880, is hereby amended so as to read as follows: At the time and in the manner provided for levying taxes for state and county purposes, the board of supervisors for said county of Outagamie shall annually levy the amount of money required for the payment of the annual interest for the current year; and said board shall, for the years 1883, 1884 and 1885, levy the amount of money required for the payment of the installments due on said loan for the years 1884, 1885 and 1886, respectively, until the whole amount of said loan is paid.

**Board may borrow money to build court house.**

SECTION 4. Section six of said chapter ninety-five, is hereby amended so as to read as follows: In case the said board of supervisors shall deem it for the best interest of said county to effect a loan at a lower rate of interest for the purpose of erecting and constructing a court house, nothing hereinbefore contained shall be so construed as to prevent said board from so doing; and said board of supervisors is hereby authorized to borrow money to an amount not exceeding twenty-six thousand dollars, at a rate of interest not to exceed six per cent. per annum, provided that the whole amount of such loan shall be payable in three equal installments, respectively, the first installment on the fifteenth day of May, A. D. 1884; the second on the fifteenth day of May, A. D. 1885, and the third and last, on the fifteenth day of May, A. D. 1886: provided, further, that the interest on such loan shall be payable annually on the day and month above mentioned of each year, subsequent to the year A. D. 1881, such payment, both principal and interest, to be made by the county treasurer of Outagamie county, Wisconsin.

**Rate of interest**

**Installments.**

Corporate bonds.

SECTION 5. Section seven of said chapter ninety-five is hereby amended, so as to read as follows: In case the said board of supervisors of Outagamie county, Wisconsin, shall determine to borrow money, as provided for by section six of this act, as hereby amended, said board is hereby authorized to issue the corporate bonds of said county, of the denomination of one hundred dollars each, with the proper coupons for interest thereto attached, which bond shall be signed by the chairman of said board and countersigned by the county clerk of said county, with the corporate seal of said county impressed thereon; and the county treasurer of said county is hereby authorized to secure the printing of said bonds, have them duly executed, and negotiate as much of them as may, from time to time, be required. And at the time and in the manner provided for levying taxes for state and county purposes, the board of supervisors of the county of Outagamie shall annually levy the amount of money required for the payment of annual interest for the current year, and that said board of supervisors at the time and in the manner provided for levying taxes for state and county purposes, shall, in the year 1883, make an additional levy for the amount of money required for the payment of the first installment of the principal sum so borrowed, which becomes due and payable in the year 1884, and that such levy shall be made annually thereafter for the purpose of paying the second and third installments of such principal sum.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1881.

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[No. 163, A.] [Published April 7, 1881.]

## CHAPTER 238.

**AN ACT to amend section two thousand four hundred and twenty-four of chapter one hundred and thirteen the revised statutes, changing the June term of the circuit court in Marquette county, and making the term of court in any county in the ninth judicial circuit a special term for the whole circuit.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Terms of court in Marquette county.

SECTION 1. Section two thousand four hundred and twenty-four of the revised statutes, is hereby amended by striking out the words "first Tuesday," where they

occur in the twenty-second line from the top of the page on page six hundred and seventy-seven of said statutes, and inserting in lieu thereof the words "on the Tuesday after the third Monday," so that the paragraph shall read as follows: In the county of Marquette on the Tuesday after the first Monday in January, and on the Tuesday after the third Monday in June.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1881.

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[No. 158, A.] [Published April 8, 1881.]

## CHAPTER 239.

AN ACT in relation to dams and amendatory of sections one thousand six hundred and one and one thousand six hundred two of chapter seventy of the revised statutes.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Dimensions of slides and chutes.

SECTION 1. Section one thousand six hundred and one of chapter seventy of the revised statutes, is hereby amended so as to read as follows, to-wit: Section 1601. Every dam constructed or maintained in the Wisconsin or Black rivers, shall be furnished with a slide or chute, for the passage of rafts and water crafts, which shall be forty feet in width, constructed of hewn timber, or hewn timber and planks, made tight and sunk at the upper end, together with that part of the dam beneath it, two feet lower than the remainder of such dam; such slide or chute shall be built of sufficient length to graduate the descent from its top to the mean level of the water below at the rate of five feet in each fifty feet of length, provided that nothing in this section contained shall be so construed as to apply to dams maintained exclusively for flooding purposes, but all such flooding dams are excepted from the provisions of this section.

Slides and chutes in tributary streams.

SECTION 2. Section one thousand six hundred and two of chapter seventy of the revised statutes, is hereby so amended as to read as follows: Section 1602. Every dam constructed or maintained in any of the tributary streams of said rivers which shall have been declared to be navigable, or shall be actually navigated by rafts, shall be furnished with a slide or chute of not less than twenty-five feet in width; such slide or chute shall be built of sufficient length to graduate the descent from its top to the mean level of the water

below at the rate of not more than one inch in each foot of length; the place of such slide or chute shall be plainly indicated by at least one buoy, placed opposite the center of sach slide or chute, and twenty yards above the dam.

Slides and chutes to permit the passage of rafts.

SECTION 3. The owner or owners of any such dam or dams in any of said tributary streams of said rivers, shall open such slide or chute for the passage of any raft, logs, timber, lumber or water craft at any and all times the person or persons having charge of any such raft, logs, timber, lumber or water craft, shall desire to pass such slide or chute therewith, without any charge or toll therefor, but it shall not be required of the owner or owners of any such dam or dams to otherwise aid in any manner to put any such raft, logs, timber, lumber or water craft, through any such slide or chute in any such dam in said tributary streams.

Repealed.

SECTION 4. All acts and parts of acts contravening the provisions of this act, are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1881.

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[No. 129, A.] [Published April 7, 1881.]

## CHAPTER 240.

AN ACT to prevent actions being brought upon county, city, town and school orders, for a time therein named.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

When actions may be brought

SECTION 1. No action shall hereafter be brought upon any county, city, town or school order, until the expiration of thirty days after a demand for the payment of the same shall have been made.

When judgment shall not be entered.

SECTION 2. If an action is brought in violation of the preceding section, and the defendant fails to appear and defend the same, the court or the clerk thereof shall not permit judgment to be entered, and if judgment is entered, the same shall be absolutely void.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1881.

[No. 76, A.] [Published April 4, 1881.]

## CHAPTER 241.

**AN ACT granting to Gilbert P. Tripp the right to establish and maintain a ferry across the Mississippi river, from the village of Alma to Wabasha county, Minnesota.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. That Gilbert P. Tripp, his heirs, executors, administrators and assigns, shall have the exclusive right and privilege, for the period of ten years, of keeping and maintaining a ferry across the waters of the Mississippi river, at and from a point in the village of Alma, Buffalo county, Wisconsin, to Wabasha county, opposite, in the state of Minnesota. **Site of privilege.**

SECTION 2. That said Gilbert P. Tripp, his heirs and assigns, shall within two years after the passage of this act, place and maintain at the aforesaid place, such good and sufficient boat or boats as may be necessary to carry across said river, all teams, horses, cattle and other property, and for the accommodation of foot passengers or teams, on all occasions and at all hours of the day, excepting during such time of the year as the said Mississippi river is impassable by reason of running ice. **Accommodations to be provided.**

SECTION 3. The said Gilbert P. Tripp, his heirs and assigns, may land his boats, passengers and property, on any public highway, which now does or may hereafter terminate within the points above specified, or on the lands of any person or persons owning the same, he or they having first procured permission of such owners. **Landing of boats.**

SECTION 4. The said Gilbert P. Tripp, his heirs or assigns, shall, within two years after the passage of this act, file, or cause to be filed, with the clerk of the village of Alma, a bond to said village, with two or more sufficient sureties, in the penal sum of one thousand dollars, conditioned that he or they will fulfill all the duties imposed upon him or them by this act, which said bond shall be approved by the board of trustees of said village of Alma, and in case of failure so to do, he shall forfeit all the benefit that might accrue to him or them by virtue of this enactment. **Bond.**

SECTION 5. That for every neglect to keep a good and sufficient boat or boats, or failure to give prompt and due attendance upon all persons wishing to cross the said ferry, the aforesaid Gilbert P. Tripp, his heirs and assigns, shall forfeit a sum not exceeding ten dol- **Liability to keep up ferry.**

lars, and shall be further liable for all damages, any person may sustain by reason of the neglect of the aforesaid Gilbert P. Pripp to fulfill any of the duties imposed upon him by this act, or of any one in his employ.

Rates.

SECTION 6. The rates charged for crossing at said ferry shall not exceed the following, except to those crossing between the hours of eight o'clock P. M. and five o'clock A. M., when double said rates may be charged: For each foot passenger, fifteen cents; for each horse, mare or mule, with or without rider, twenty-five cents; for each two horse, or two mule team, loaded or unloaded, with or without driver, fifty cents; for each single horse carriage, with or without passengers, fifty cents; for each additional horse, mare, mule, ox or cow, twenty cents; for each swine or sheep, five cents; all freight of merchandise and other articles not in teams, at the rate of five cents per hundred weight, when the same, delivered by one person, shall not exceed two hundred pounds, and for any excess over two hundred pounds, at the rate of two cents per hundred weight, and fifty cents for one thousand feet of lumber.

Penalty for exacting excessive rates.

SECTION 7. If the said Gilbert P. Tripp, his heirs and assigns, or any ferryman or other person employed by him, shall take, exact or receive any greater or higher rate of ferriage for transporting persons, goods and chattels, or other things whatsoever, than is allowed by this act, the said Gilbert P. Tripp, his heirs and assigns, shall forfeit the sum of five dollars for every such act, and which may be recovered before any justice of the peace of their state, having by law jurisdiction of the same.

Penalty for infringement.

SECTION 8. If any other person or persons shall, after establishment of said ferry as aforesaid, set up or keep and maintain any ferry, or shall carry any persons, goods or chattels for hire or pay across the Mississippi river from any place on the east side or shore of the waters of said river within the points above specified, every such person shall for every such offense forfeit and pay the sum of ten dollars.

SECTION 9. This act shall take effect and be in force from and after its passage.

Approved March 30, 1881.

[No. 73, A.] [Published April 7, 1881.]

## CHAPTER 242.

**AN ACT to amend section four thousand nine hundred and seventy of chapter two hundred and three of the revised statutes, entitled "of the Wisconsin industrial school for boys."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section four thousand nine hundred and seventy of chapter two hundred and three of the revised statutes, entitled "of the Wisconsin industrial school for boys," is hereby amended to read as follows: Section 4970. The court sentencing any child to be confined in said school shall, together with a copy of the record or certificate of the sentence, transmit to the superintendent of said school a copy of all the evidence in the case, together with a concise statement of all the facts pertinent to the history of the person so committed. **Court to transmit copy of certain papers.**

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 30, 1881.

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[No. 44, A.] [Published April 8, 1881.]

## CHAPTER 243.

**AN ACT to amend section nine hundred and eleven of the revised statutes of 1878, in relation to the assessment and collection of poll taxes in villages incorporated under the general law.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. That section nine hundred and eleven of the revised statutes of 1878, be and the same hereby is amended by inserting after the words "twenty-one," where they occur in the third line of section, the words, "and under the age of fifty," and by inserting after the word "warrant," where it occurs in the seventeenth line of said section, "provided, that the board of trustees may, by resolution, cause the said poll list to be placed in the hands of the street commisioner, to be collected in money or labor, and the said street commissioner shall have the same authority to collect and receipt for such tax as the treasurer, and shall account for such taxes by him collected in the same manner as for other moneys coming into his hands by virtue of his office," so that said section **Amendment.**

Poll tax list.

when amended, shall read as follows: Section 911. On or before the twentieth of May in each year, the clerk shall make out a list of the names of all male persons over the age of twenty-one and under the age of fifty years, with the amount of the poll tax, which shall be the same as in towns, set opposite to each person's name, and submit the same to the board of trustees for correction. When such list is correctly made out, and on or before the first day of June in each year, the board shall by order (to be signed by the president and clerk and annexed thereto), direct the same to be delivered forthwith to the treasurer for collection. The treasurer shall forthwith proceed to the collection of such tax and shall demand the same once of each person named in the list, and if any person neglects to pay the same for ten days thereafter then such treasurer shall, in the name of the village, sue for and collect such tax with fifty per centum damages on the same, with costs of suit, before the police justice of such village; and in default of payment of such judgment, execution shall issue against the defendant as in cases of tort; and the first process in such action shall be by civil warrant: provided, that the board of trustees may, by resolution, cause the said poll list to be placed in the hands of the street commissioner to be collected in money or labor, and the said street commissioner shall have the same authority to collect and receipt for such tax as the treasurer, and shall account for such taxes by him collected, in the same manner as for other moneys coming into his hands by virtue of his office. But the board of trustees may exempt from the payment of such tax all persons belonging to any fire company, or any person who is poor and not able-bodied, when they may deem it proper to do so, and the treasurer, while said list is in his hands for collection, may put upon the same the names of all such persons liable to such tax as may have been omitted therefrom, who shall then be liable, the same as if their names were originally placed in such list.

Treasurer to collect tax.

Board may exempt persons from payment of tax.

SECTION 2. This act shall be in force from and after its passage and publication.

Approved March 30, 1881.

[No. 237, A.] [Published April 6, 1881.]

## CHAPTER 244.

AN ACT to amend section twenty-nine of chapter five of the revised statutes, relating to general election.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Opening and closing of polls

SECTION 1. Section twenty-nine of chapter five of the revised statutes of 1878, is hereby amended so as to read as follows: Section 29. The polls of the election held on the Tuesday next succeeding the first Monday in November, shall be opened at nine o'clock in the forenoon, or as soon thereafter as may be, and shall be closed at sundown. The inspectors shall cause public proclamation to be made of the opening and closing of the polls. The common council of any city may, by resolution adopted and published in some newspaper in the city at least ten days before election, fix an earlier hour for the opening of the polls in said city, not earlier than sunrise.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1881.

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[No. 453, A.] [Published April 5, 1881.]

## CHAPTER 245.

AN ACT relating to the building of bridges by villages situated upon opposite sides of a river or other body of water in this state, and authorizing villages to borrow money for the purpose of building, purchasing or leasing bridges, and making section one thousand three hundred and twenty-two of the revised statutes, applicable to the purposes and objects of this act.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Certain villages may unite in leasing or building bridge

SECTION 1. Any two villages situated on opposite sides of a river or other body of water within this state are hereby authorized and empowered jointly to build a bridge or bridges across said river or other body of water, or to purchase or lease from the owner or owners thereof, any bridge or bridges now or hereafter built across any such river or other body of water, and all appurtenances thereto belonging, together with any charter and privileges granted by this state for the erection and maintenance of such bridge or bridges, as well as such rights of way as may be needed in widening and extending such bridge, upon such terms as the

parties may agree upon. And when so purchased or leased, the said villages are authorized to maintain, repair, widen and extend said bridge or bridges, as the public good may demand.

Corporations may lease bridge to village.

SECTION 2. For the purpose of enabling said villages to make any such purchase or lease, the person or corporation owning such bridge or bridges is hereby authorized to sell and convey, or to lease the said bridge to said villages, upon such terms as may be agreed upon by the parties.

Rental not to exceed $100 per annum.

SECTION 3. The amount to be paid by said villages as rent, under any lease made under this act, shall not exceed one hundred dollars per annum, nor shall the price for which the said villages may purchase the said bridge, exceed twenty thousand dollars.

Villages may borrow money.

SECTION 4. For the purpose of repairing, widening, extending or rebuilding any such bridge or bridges or any part thereof, each of said villages is hereby authorized to borrow a sum or sums of money not exceeding ten thousand dollars in all, for a period of not more than twenty years and at a rate of interest not exceeding seven per cent. per annum, the principal and interest to be paid at such times and places as may be agreed upon; and to secure the payment of the moneys so borrowed, each of said villages is authorized to issue its bonds with interest coupons attached in any proper form and pursuant to any agreement made and authorized by this act, provided that neither of said villages shall borrow any moneys for the purposes aforesaid unless the other shall also borrow its proportion of the moneys to be raised for the aforesaid purpose,

Tax levy to pay indebtedness.

SECTION 5. To provide for the payment of indebtedness incurred for moneys borrowed under this act, each of said villages shall annually levy a tax upon all the taxable property therein, sufficient to pay the principal and interest on its bonds issued by virtue of this act, as the same shall become due and payable, and and all such taxes shall be levied and collected at the same time and in the same manner as other taxes are levied and collected in said villages respectively.

Proportion to be paid by each village.

SECTION 6. The proportion which each of said villages shall pay of the amounts expended, or to be expended, for the leasing or purchasing of said bridge or bridges, or for any other purpose, authorized by this act, shall be such as may be agreed upon by the presidents and trustees, of both of said villages, or by such other officers as may from time to time be lawfully authorized to exercise the corporate powers of said vil-

lages respectively, and all power and authority which by this act is conferred upon either of said villages, may be exercised by the officers aforesaid.

Questions to be submitted to a vote of electors.

SECTION 7. No bonds shall be issued nor shall any tax be levied under this act by either of said villages, unless the question of levying such tax or issuing such bonds shall have been submitted and adopted in the same manner and upon the same notice as is required by section one thousand three hundred and twenty-one of the revised statutes, for the cases therein referred to.

Law to apply.

SECTION 8. Section one thousand three hundred and twenty-two of the revised statutes, is hereby made applicable to the purposes and objects of this act.

General act.

SECTION 9. This act shall apply to each and every village in this state, situated as mentioned in the first section of this act, whether such village be incorporated under the revised statutes or under special act, and the charter of every such village incorporated by special act, is hereby amended accordingly.

To be construed liberally

SECTION 10. This act shall be construed liberally and favorably to the purposes and objects of the same, and shall take effect and be in force from and after its passage and publication.

Approved March 31, 1881.

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[No. 96, S.] [Published April 8, 1881.]

## CHAPTER 246.

AN ACT relating to the northwestern mutual relief association, and amendatory of section one of chapter two hundred and four of the laws of 1879.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Insurance laws not to apply to societies herein enumerated.

SECTION 1. Section one of chapter two hundred and four of the general laws of 1879, is hereby amended by inserting the following words between the word "church" and the word "and," the words "the northwestern mutual relief association;" also amend said section by striking out the word "such," where it occurs in the twenty-second line of said section, and insert in lieu thereof, the word "said," so that said section when so amended, will read as follows: Section 1. The secret, beneficiary, charitable and benevolent orders of Free Masons, Odd Fellows, Knights of Pythias, Knights of Honor, The Ancient Order of United Workmen, Royal Arcanum, Independent Order Mutual Aid, Sons of Hermann, Druids, Harugari,

Independent Order of B'nai Brith, Kecher Shel Barzel, Free Sons of Israel, Diamond Brothers, Independent Order of Red Men, Temple of Honor, Good Templars, Sons of Temperance, Patrons of Husbandry, Expressmen's Mutual Benefit Association, Telegrapher's Mutual Benefit Association, The Locomotive Engineers' Mutual Insurance, the Railway Employes' Mutual Benefit Association of the West, Passenger and Freight Conductors' Mutual Benefit Association, Brewers' Relief Society, Milwaukee Mutual Workingmen's Relief Society, Eintracht's Society, Vorwartz Society, Concordia Society, Knights and Ladies of Honor, Turners' Aid Society of the State of Wisconsin, Heldmann's Independent Relief Society, Masonic Benefit Association of Wisconsin, Clergymen's Insurance League, The Preachers' Mutual Aid Society of the Wisconsin Annual Conference of the Methodist Episcopal Church, The Northwestern Mutual Relief Association and the Mutual Protection Association of Wisconsin, are hereby declared not to be life insurance companies in the sense and meaning of the general laws of the state relating to life insurance companies, and said societies, orders and associations are and shall hereafter be exempt from the provisions of said general laws aforesaid.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1881.

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[No. 101, S.] [Published April 5, 1881.]

## CHAPTER 247.

AN ACT to amend subdivision eight, of section one thousand and fifty of chapter forty-eight of revised statutes of 1878, entitled of assessment of taxes.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Pianos, organs and melodeons to be assessed.

SECTION 1. Subdivision eight of section one thousand and fifty of chapter forty-eight of the revised statutes of 1878, is hereby amended by adding thereto the word "organs," so that said subdivision when so amended would read as follows: The number and value of pianos, organs and melodeons.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1881.

[No. 200, S.] [Published April 5, 1881.]

## CHAPTER 248.

**AN ACT to provide for locating, establishing, opening and maintaining a state road from a certain point in Wood county to a certain point in Portage county, Wisconsin.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. John Snobley and James McGrath, of Wood county, Wisconsin, and Gotlieb Yorks and William Kannael, of Portage county, Wisconsin, are hereby appointed commissioners to locate, cause to be surveyed, marked and platted, pursuant to the statute in such case made and provided, a state road from that point where the road running from the city of Grand Rapids to the village of Plover, is intersected by the road running to Beron's Mill, being at about the northwest corner of the southeast quarter of the southeast quarter of section three (3), in township twenty-two (22) north, of range six (6) east, and running thence in a southeasterly direction in the most practicable route, to the northwest corner of section twenty (20), in township twenty-two (22) north, of range seven (7) east, a distance of about four miles, and being partly in Wood and partly in Portage counties. Location of road.

SECTION 2. Said commissioners shall proceed in said matter in all respects as provided by the revised statutes in such case, except where herein otherwise expressly provided, and shall receive as full compensation for their said services the sum of two dollars each per day, for the time actually and necessarily spent by them in said matter, to be paid by the said counties of Wood and Portage respectively in proportion to the length of said road in each of said counties, and said counties of Wood and Portage shall also pay, each in proportion to the length of said road within its limits, such reasonable and necessary expense for the services of a surveyor and his necessary help as shall be necessarily incurred by said commissioners in surveying, marking platting and copying the plat of said state road. Provided that no claim or demand for such service, or any part thereof, shall be audited or paid by either of said counties until the locating, surveying, marking and platting of said state road shall have been fully made and completed, and the original plat thereof filed in the office of the secretary of state, and copies of said plat filed as follows, to-wit: one copy thereof in the office of the county Duty of commissioners.

clerk of Wood county, one copy thereof in the office of the county clerk of Portage county, and one copy thereof in the office of the town clerk of each of the towns into or through which said road shall be located. And said original plat and each of said copies thereof shall be properly certified by said commissioners, or a majority of them, and by the said surveyor under their hands and seals and acknowledged before a notary public.

Duty of town supervisors.

SECTION 3. The supervisors of each of the several towns into or through which said state road, or any part thereof, shall be located as aforesaid, are hereby directed and required to cause such part thereof as shall be so located in their said towns, to be opened and worked and put in a fair and reasonably good and safe condition for use, as a public highway, within one year from the date of the filing a copy of the plat thereof, in said town, and thereafter to improve and repair the same and maintain it as a public highway of said town.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1881.

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[No. 202, S.] [Published April 5, 1881.]

## CHAPTER 249.

**AN ACT to provide for locating, establishing, opening and maintaining a state road from the city of Grand Rapids, in Wood county, to Stevens Point, in Portage county, Wisconsin.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Location of road.

SECTION 1. L. E. Hitchcock and Francis Beron, of Wood county, and Henry Curran and L. N. Hansen, of Portage county, Wisconsin, are hereby appointed commissioners to locate, cause to be surveyed, marked and platted, pursuant to the statute in such case made and provided, a state road from the northern boundary of the city of Grand Rapids, in Wood county, to the southern limit of the city of Stevens Point, in Portage county, Wisconsin, by way of or near to Mill creek ferry, in the nearest and most direct route which shall seem to them practicable between said two cities, hereby authorizing and empowering said commissioners to adopt and lay out said state road upon or along any part or parts of such highways as already exist upon the line that shall be designated and located by them for said state road.

SECTION 2. Said commissioners shall proceed in said matter in all respects as provided by the revised statutes in such case, except where herein otherwise expressly provided, and shall receive as full compensation for their said services, the sum of two dollars each per day, for the time actually and necessarily spent by them in said matter, to be paid by the said counties of Wood and Portage respectively, in proportion to the length of said road in each of said counties; and said counties of Wood and Portage shall also pay, each in proportion to the length of said road within its limits, such reasonable and necessary expense for services of a surveyor and his necessary help, as shall be necessarily incurred by said commissioners in surveying, marking platting and copying the plat of said state road. Provided, that no claim or demand for such services, or any part thereof, shall be audited or paid by either of said counties until the locating, surveying, marking and platting of said state road shall have been fully made and completed, and the original plat thereof filed in the office af the secretary of state, and copies of said plat filed as follows, to-wit: One copy thereof with the county clerk of Wood county, one copy thereof with the county clerk of Portage county, and one copy thereof in the office of the clerk of each of the several towns through or into which said state road shall be located. The said original plat of said state road and each of said copies shall be properly certified by said commissioners, or a majority of them, and by the said surveyor, under their hands and seals, and acknowledged before a notary public. Duty of commissioner.

SECTION 3. The supervisors of each of the several towns through or into which said state road or any part thereof shall be located as aforesaid, are hereby directed and required to cause such part thereof as shall be located in their said town to be opened and worked and put in a fair and reasonably good and safe condition for use as a public highway within one year from the date of the filing of a copy of the plat thereof in said town, and thereafter to repair, improve and maintain the same as a public highway of said town. Duty of town supervisors.

SECTION 4. Chapter one hundred and sixteen of the laws of Wisconsin for the year 1879, is hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1881.

[No. 10, A.] [Published April 5, 1881.]

## CHAPTER 250.

AN ACT to authorize the city of Milwaukee to take and acquire, by condemnation or by purchase, the use of lands within or without the limits of the city, for the purpose of extending water pipes and sewers, upon along or through the same.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Council may take and acquire lands for use in laying pipe.

SECTION 1. Whenever the common council of the city of Milwaukee, shall, with the concurrence of three-fourths of the members elected thereto, declare by resolution that it is necessary for the public interest to extend any water pipe or any sewer below the surface of the ground, upon, along or through any lands, either within or without the limits of said city, the said common council shall have the anthority to take and acquire the use of such lands for such purposes or for either such purpose, by proceeding, in all respects, in relation to such taking and acquiring for such use, as is provided in chapter six of the charter of said city, being chapter six of chapter one hundred and eighty-four of the laws of 1874, in reference to the taking of lands for public use without petition, except in those respects in which a different provision is especially made in this act.

Board of public works to determine damages.

SECTION 2. The board of public work, in making its award to the owners of the property, in which such use as is herein named shall be acquired, shall determine the injury arising to the owners thereof respectively, in consequence of the taking and acquiring of such use, but it shall not be necessary to make any estimate of benefits from such use either to such owners or to other lands.

Tender of money for damages, how made

SECTION 3. Whenever the damages awarded to the owners of any lands, the use of which, for the purposes specified in this act or for either of such purposes, is sought to be taken and acquired by said city, shall have been paid or tendered to such owner, or when sufficient money, for that purpose, shall have been provided in the hands of the city treasurer, and shall be ready to be paid over to such owner, and ten days' notice thereof shall have been given by the board of public works, in the official papers, the said city shall thereupon and thereby acquire and have the right to the use of such lands for such purpose forever, and its proper officers or any contrator, or other person, acting under the authority of said city, or of its proper officers, shall have the

right to lay and construct sewers or water pipes, or both, in, through, and along such lands, and may lawfully enter upon the same with men and teams, as may be necessary or convenient for doing such work, and may dig upon and otherwise prepare such lands for the use for which they are so taken and acquired, doing no unnecessary damage thereby, and may place, lay, and maintain water pipes, or sewers, or both therein, and may, at any and all times, enter upon said lands, with men and teams, as may be necessary or convenient, for the purpose of taken up, relaying, repairing, removing or in any way modifying such water pipes or sewers, or both, doing no unnecessary damage thereby, provided, that it shall be the duty of said city or its officers, or any contractor other person doing any work on lands under the provisions of this act, upon the completion of such work, to restore such lands to the same condition in which they were before such work was done, as nearly as it is practicable to do so, provided further, that no sewer shall be extended into or through any ward from any other portion of said city, by virtue of this act, without the previous consent of the aldermen of said ward in writing, filed in the office of the board of public works.

Additional powers.

SECTION 4. In addition to the power to acquire the use of lands for the purposes named in this act, by condemnation as herein above provided, the city of Milwaukee is hereby empowered and authorized to acquire such use of any lands either within or without the limits of said city, by grant or conveyance by deed, in all cases where the terms of a purchase shall be agreed upon, between the city and the owner of any such lands.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1881.

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[No. 135, A.] [Published April 8, 1881.]

## CHAPTER 251.

**AN ACT to amend section one thousand two hundred and fifty-two of the revised statutes, relating "to the collection of poll taxes."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Poll tax may be sued for and collected with damages.

SECTION 1. Section one thousand two hundred and fifty-two of the revised statutes, is hereby amended by adding to said section at the end thereof as the same

now reads, the following provisions: And in case any person shall become liable to pay his poll tax in money, and shall neglect or refuse to pay the same after due demand therefor, as hereinbefore provided, for the period of ten days, and the overseer of highways shall be unable to find goods and chattels of such person sufficient to make the amount thereof by distress and sale, as hereinbefore provided, such overseer may, in the name of the town, sue for and collect such tax with fifty per centum damages on the same with costs of suit, before any justice of the peace in said town; and the first process in such actions shall be a civil warrant, but before any such warrant shall be issued, the overseer of highways of the road district in which such poll tax shall be due, shall make and file with the justice an affidavit substantially in the following form:

**Overseer's affidavit.**

State of Wisconsin, —— county, ss.

——, overseer of highways of road district number ——, of the town of ——, in said county, being duly sworn on oath says that —— was assessed by the supervisors of said town to pay a poll tax for the year 18– in said road district of ——, and that his name appears upon the list of highway taxes assessed by said supervisors for said year, as a person liable to pay a poll tax in said road district; that such list, with the warrant required by law thereto annexed, was delivered to this affiant on the —— day of ——, 18—; that said poll tax has become payable in money; that demand of payment of said poll tax was duly made of the said —— by this affiant on the —— day of ——, 18–; and that more than ten days have since elapsed, but that the said —— has neglected (or refused, as the case may be) to pay the said poll tax, and that this affiant is unable to find goods and chattels of the said —— sufficient to make the amount thereof by distress and sale, as provided by law, and therefore prays that a warrant may be issued and the said —— arrested and dealt with according to law.

Subscribed and sworn to before me this —— day of ——, 18—. ————————.

**Issue of execution in case of default of payment.**

And in default of payment of the judgment in such action, execution shall issue against the body of the defendant as in cases of tort.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1881.

[No. 200, A.] [Published April 12, 1881.]

## CHAPTER 252.

AN ACT to amend chapter one hundred and twenty of the revised statutes, entitled "of rivers and floats."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

When owners of logs, timber, etc., drifted on shore, may remove the same.

SECTION 1. Section one thousand six hundred of the revised statutes, being a part of chapter one hundred and twenty of the revised statutes, entitled "of rivers and floats," is hereby amended so as to read as follows: Section 1600. Whenever any logs, timber, boards or planks in rafts or otherwise, shall be drifted upon any island in any of the waters of this state or upon the bank or shore of such water or lands adjacent thereto, the owner thereof, his agents or servants, may at any time within eighteen months remove the same on paying or tendering to the owner or occupant of said land the reasonable damages caused by the removal or non-removal of said logs, timber, boards or planks and the expense of advertising the same. And in case it is not practicable to remove said logs, timber, boards or planks without passing over other lands than those upon which the same may be situated, then the owner thereof shall have the privilege to make the necessary roads over said lands, and to pass over the same in removing said logs, timber, boards or planks, on tendering to the owner or occupant of said land the reasonable damages caused thereby. If the owner shall not remove said logs, timber, boards or planks within said time, and pay said damages unless the owner or occupant of said land shall otherwise agree, then said owner or occupant of said land may remove said logs, timber, boards or planks, and shall have a lien on the same for twice the costs of removal and said damages, and may sell a sufficient amount of the same to satisfy said lien and costs, without action, on giving twenty days' notice of such sale, by posting up three notices of such sale in three of the most public places in the town where said logs, timber, boards or planks are situated: provided that at least six months previous to the expiration of said eighteen months, he shall have given notice to the owner thereof, if known, to remove the same, with a description of the marks thereon, if any, the kind and quantity thereof and the place where located; or if the owner is unknown, shall have published such notice in some newspaper published in said county, if there be any;

Payment of damages in passing over other lands.

If owner shall not remove same.

and timber that may be put in said stream, down and out of the same.

When tolls may be charged

SECTION 2. Section two of said chapter, is hereby amended so as to read as follows: Whenever the said William Baker, his associates, successors or assigns, shall have so made, constructed and completed such improvements as to provide substantial and beneficial conveniences and facilities for readily and rapidly driving logs and timber out of said stream with reasonable certainty, having reasonable regard for the character of the stream, and the stage of water therein at proper seasons, and so long as they shall keep up and maintain such improvements and facilities so as to accomplish such results, the said Baker, his associates successors and assigns, in consideration of the building, maintaining and operating such dam and improvements, shall be and are authorized to charge and collect of any and all persons owning or controlling logs or timber, or either, put into said stream above said dam in said section thirty-six (36), and driven past said dam for the purpose of being driven down said stream, twenty-five cents per thousand feet, board measure, and for all logs and timber put into said stream between said dam and the north line of section twenty-four (24), twenty cents per thousand feet, and ten cents per thousand feet for all logs put into said stream between the north line of said section twenty-four (24), and the mouth of the stream; but no right is hereby conferred on said Baker, his associates or assigns, to hold or detain any logs or timber other than their own, or such as they may be requested to hold by the owners thereof at any place except only as subject to him for tolls or charges, and then only in reasonable amounts; nor shall said Baker, his associates or assigns, have any right by their works of improvement, or otherwise, to hinder, delay, impede or obstruct the driving of any logs or timber.

Tolls.

May drive logs belonging to others.

SECTION 3. Section three of said chapter, is hereby amended so as to read as follows: It shall be lawful for the said William Baker, his associates and assigns, after they shall have improved the said stream in the manner and to the extent hereinbefore required, whenever they shall make a drive of logs, to take possession of all logs and timber actually put into said stream to be floated down and not remaining on rollways, and also of logs on rollways or banks, where and where only they shall obstruct the drive materially, or his agent, the owners or their agents of which logs shall

not in either case have made adequate provision for driving the same by furnishing the necessary men, teams and tools, either for breaking such rollways as aforesaid at the proper time, or for making a thorough drive of such logs and timber out of said stream and to drive the same down and out of said stream or down such stream to such point as the same shall be taken in charge of and driven by such owner or his agent with the necessary men and tools, and to charge and collect for such service the following rates, respectively, viz: For all logs and timber driven from between said dam in section thirty-six (36), town thirty-two (32), range two (2) west, and the north line of section twenty-four (24), in said town, seventy-five cents per thousand feet, board measure; for all logs and timber driven from the north line of section twenty-four (24), fifty cents; from any point above said dam in said town and range, one dollar per thousand feet, board measure; and it is further provided that whenever any owner of logs or timber, his agents or servants, shall be ready and desirous to drive such logs or timber on said streams, and said Baker, his associates and assigns, shall not have begun their drive, such owner, his agents or servants, may drive, without delay such logs or timber, and shall have the same right to take possession of and drive logs already floating in the stream, and such as shall obstruct his drive on the banks or rollways as is given in this section to said Baker, his associates and assigns, and shall be entitled to have the same charges for such service, and shall have the same lien to secure the same, subject to the lien of said Baker and his associates or assigns, for the tolls provided in the next preceding section, which shall be transferred to such driver of such logs and added to his own lien for charges for services in driving, when he shall have paid the same to said Baker, his associates and assigns, or agree with them therefor: provided that neither said Baker, his associates or assigns, nor any driver of logs, shall have the right in any other case to take and drive logs without previous agreement with the owner thereof, or his agent, and in no case shall have the right to control any logs or timber, after the owner, his agent or servants, shall have come upon the stream properly prepared and equipped with men and tools to drive his own logs and shall properly continue to drive thereafter his logs and timber; but may retain possession until the lien for services rendered shall be

Compensation for driving.

discharged of a sufficient quantity to secure the same: provided further, that said charges for driving logs as specified in this action, shall only be due and payable upon any mark or lot of logs so driven, when ninety-five per cent. of the same shall be driven down and out of said south fork of Yellow river.

Ninety-five per cent. to be driven to entitle to charge.

Charges to be a lien on logs.

SECTION 4. For any tolls or charges herein provided, which shall remain due and unpaid, the said William Baker, his associates and assigns, shall have a lien on all logs and timber upon which such tolls or charges, or any part thereof, shall remain unpaid, and may enforce the same in the same manner as other liens on logs and timber for labor or supplies may be enforced under the general statutes.

SECTION 5. This act shall take effect from and after its passage and publication; but this act and all such acts as shall be passed amendatory thereof, shall be at all times subject to be altered, amended or repealed by the legislature.

Approved March 31, 1881.

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[No. 234, A.] [Published April 5, 1881.]

## CHAPTER 254.

AN ACT to amend subchapter seven of chapter one hundred and eighty-four, of the laws of 1874, as amended by section thirty-three of chapter one hundred aud forty-four, of the laws of 1875.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Cost of sprinkling to be first paid out of ward fund.

SECTION 1. Subchapter seven of chapter one hundred and eighty-four of the laws of 1874, as amended by section thirty-three of chapter one hundred and forty-four of the laws of 1875, is hereby amended by striking out section twenty-four of said subchapter seven, and inserting in lieu thereof the following: Section 24. After the completion and performance of any contract for sprinkling, entered into by the board of public works, for work chargeable to lots or lands fronting on streets or alleys upon which such work has been done, the cost of such work shall in the first place be paid out of the ward fund of the proper ward. It shall be the duty of the said board to keep a strict account of the cost of such work done in front of such lot or parcel of land, and report to the city comptroller on the completion of each such contract, stating and certifying the description of the lots, parts of lots or

parcels of land, in front of which, work chargeable thereto under such contract, has been done, and the amount chargeable to each such piece of property, and the said comptroller shall, at the time of making his annual report to the common council of the lots or parcels of land subject to special tax or assessment, include therein the said lots or parcels of land so reported to him by said board of public works, with the amount chargeable thereto for sprinkling, done under such contracts, during the preceding year; and such amounts shall be levied on the lots or parcels of land, respectively, to which they are so chargeable, in like manner as other special taxes are levied in said city, and when collected the same shall be credited to the ward fund in which such property is situated.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1881.

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[No. 306, A.] [Published April 5, 1881.]

## CHAPTER 255.

**AN ACT to authorize Stanton Barnard, his associates and assigns, to maintain dams and other improvements in the Chippewa river, for the purpose of facilitating the assorting and handling of logs.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Stanton Barnard, his associates and assigns, are hereby authorized to maintain dams, piers and booms, in the Chippewa river, in Chippewa county, Wisconsin, between the east line of section four (4), of town twenty-eight (28), range eight (8), and the north line of section twenty-six (26), town twenty-nine (29), range eight (8), and otherwise improve said river, between said points, for the purpose of stowing, holding and handling logs and timber, and passing said logs and timber through said works and down said river, and to facilitate the driving of the logs and timber destined for points below on said river, Beef Slough, and the Mississippi river. Provided that not more than fifteen million feet per day shall be turned out from said works for points below. **Location of improvements.**

SECTION 2. When the said Stanton Barnard, his associates or assigns, shall have procured, rented, maintained or leased such dams, piers, booms and other improvements between the said points on said river, so as to render practicable the holding of logs and timber **Compensation for benefits derived from improvements.**

that may float down said river as aforesaid, and so long as he or they shall so operate said works and improvements as to accomplish said results and to render practicable the passage of said logs and timber through said works and down said river, and to assist by the operation of flooding dams in the driving of logs and timber down said river, he or they shall be entitled to charge and collect of the owner or party controlling said logs and timber, in consideration of the advantages derived from the maintenance and operating of said works, fifteen cents per thousand feet, board measure, for all logs and timber passing through or over said works.

Charges to be a lien against logs.

SECTION 3. The person or persons or corporation operating said works, shall have a lien upon any and all logs and timber passing through said works for said tolls, and may enforce the collection of the same under and by virtue of any law of this state now existing, or that may be hereafter enacted, or may seize in whosesoever possession found and hold a sufficient amount thereof to pay the same, and make sale thereof, upon giving ten days' notice in the manner provided for notifying sales on execution upon the judgment of the justices of the peace. And the same may be enforced against any logs or timber of any mark, for all tolls unpaid on the same, and all other logs or timber bearing the same mark that have passed through said works, and upon which the tolls have not been paid.

Vested rights not disturbed.

SECTION 4. This act shall not in any way interfere with the vested rights of other parties under any previous legislation or right of property to maintain improvements between the points mentioned; and the said Stanton Barnard, his associates or assigns, shall not be entitled to charge or collect any tolls by virtue hereof until he or they shall have leased or acquired the improvements now existing between the points mentioned, with the right to operate the same, and until he or they shall have accepted the provisions of this act, as hereinafter set forth.

Rights may be forfeited.

SECTION 5. The said Stanton Banard, his associates or assigns, shall forfeit all rights under this act, unless within ninety days after its passage and publication, they shall have obtained a lease of or otherwise acquired the improvements now existing between the points mentioned, with the privilege of maintaining and operating the same, for the term of ten years or more, and unless within said time they shall have accepted the provisions of this act, by publishing a notice thereof in some weekly newspaper published in Chip-

pewa county, Wisconsin, once in each week for three successive weeks, and by causing said notice, with proof of publication, and the lease or other title to the said improvements, to be recorded in the office of the register of deeds of Chippewa county, Wisconsin, which record or a certified copy thereof, shall be received in all courts of this state, as evidence of the facts therein contained.

Life of corporate rights.

SECTION 6. When said acceptance and lease or purchase shall have been so made, Stanton Barnard, his associates or assigns, in consideration of the privillege hereby granted, shall maintain and operate the works specified in section one of this act so as to accomplish so far as practicable, the result specified in section two, for the term of four years, and in default thereof, they shall be liable in damages to any person injured thereby, unless such default is caused by an injury to the works not happening through a want of ordinary care on their part, they in any case to be liable only for want of ordinary care.

SECTION 7. This act is hereby declared to be a public act, and shall be liberally construed in all courts.

SECTION 8. This act shall take effect from and after its passage and publication.

Approved March 31.

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[No. 148, A.] [Published April 7, 1881.]

## CHAPTER 256.

AN ACT to prevent quacks from deceiving the people by assuming a professional title.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Persons prohibited from practicing medicine

SECTION 1. No person practicing physic or surgery, or both, who is prohibited by section one thousand four hundred and thirty-six of the revised statutes of Wisconsin, 1878, from testifying in a professional capacity, as a physician or surgeon, in any case, shall assume the title of doctor, physician or surgeon, by means of any abbreviation, or by the use of any word or words, letters of the alphabet, of the English, or any other language, or any device of whatsoever kind, printed, written or painted, or exhibited in any advertisement, circular, handbill, letter or other instrument, nor on any card, sign, door or place whatsoever. Any person violating any provision, of this act, shall be deemed guilty of a misde-

meanor, and shall, on conviction thereof, be punished by a fine of not less than twenty-five dollars, nor more than one hundred dollars, or by imprisonment in the county jail, not less than ten days nor more than sixty days, for each offense.

District attorney to prosecute for violation.

SECTION 2. Upon complaint made, in writing, under oath, before any magistrate, or justice of the peace, charging the commission of an offense against the provisions of this act in his county, it shall be the duty of the district attorney to prosecute the offender, and in all such prosecutions the burden of proof shall be upon the defendant to establish his right to use such title, under the provisions of this act.

Penalty for violation.

SECTION 3. Any person prohibited by section one of this act from assuming the title of doctor, physician or surgeon, who shall practice, or pretend to practice, physic or surgery, or both, shall not be exempted from any, but shall be liable to all, of the legal penalties and liabilities of malpractice; and ignorance shall be no excuse for failing to perform, or for negligently or unskillfully performing or attempting to perform, any of the duties required by law, of practicing physicians or surgeons.

Diplomas to be exhibited.

SECTION 4. Every person pretending to practice physic, or surgery, or both, shall upon demand of any person, exhibit all diplomas or licenses that he may have to practice physic or surgery, or both, and if such person, upon demand, shall refuse to exhibit such diplomas or license, any suit instigated against him under this chapter, shall not be considered malicious.

SECTION 5. This act shall take effect from and after its passage and publication.

Approved March 30, 1881.

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[No. 368, A.] [Published April 7, 1881.]

## CHAPTER 257.

AN ACT amendatory of sub-chapter six, chapter one hundred and eleven, of the private and local laws of 1867, relating to the charter of the city of Hudson.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Streets, bridges, alleys, etc.

SECTION 1. Sub-chapter six of chapter one hundred and eleven of the private and local laws of Wisconsin for 1867, is hereby amended to read as follows: Section 1. The common council shall have the care, supervision and control of all public high-

ways, bridges, streets, alleys, public squares and grounds within the limits of said city, and shall cause all streets which may have been opened and graded, to be kept open and in repair, and free from nuisances. No street or alley which shall hereafter be dedicated to public use by the proprietor or proprietors of grounds within said city, shall be recognized as a public street or alley of said city, unless the common council shall first approve the plat thereof, or accept such dedication, or afterwards confirm the same by an ordinance specially passed for such purpose.

Petition of freeholders for laying out public squares, grounds, streets and alleys.

SECTION 2. The common council shall have power to lay out public squares, grounds, streets and alleys, and widen the same, as follows: Whenever ten or more freeholders residing in any ward shall, by petition, represent to the common council that it is necessary to take certain lands within the ward where such petitioners may reside, for the public use, for the purpose of laying out streets or alleys, or the enlarging of the same (the courses and distances, metes and bounds of the land, proposed to be taken, together with the names and residences of the owners of such premises, if the same shall be known to such petitioners, to be set forth in said petition); the common council shall thereupon, if it deems it expedient, order the petition filed of record with the city clerk, and shall cause notice of such application to be served upon the resident owner or owners of such lands, and also upon the occupant or occupants of such land, if any there be; or if the owners of any portion of said lands shall be non-residents, then the common council shall cause such notice, describing as near as may be the premises proposed to be taken, to be published in the official paper four weeks successively, at least once in each week.

Service of notice of application.

SECTION 3. Such notice shall state that on a day therein to be named, not less than ten days from the service of such notice, or the expiration of such publication, as the case may be, application will be made to the county judge, or a court commissioner for the county of St. Croix, for the appointment of twelve jurors to view said premises, and determine whether it will be necessary to take the same for the purpose specified in said petition; which notice shall be served by the sheriff of St. Croix county, a policeman or any constable, on the owner and occupants of each such parcel of land to be taken, if known, and a resident within the county; such service to be made in the

manner prescribed for serving a summons in an action in the circuit court, and the return of the officer shall be conclusive evidence of the facts stated therein. If the notice cannot be so served as to all the parcels of lands, then the same shall be published, as specified in section two of this act, and the affidavit of the printer or foreman of such newspaper shall be conclusive evidence of such publication. If any person so served with notice be a minor or of unsound mind, the judge or court commissioner before proceeding, shall, on the day fixed for hearing such application, appoint for him a guardian for the purpose of such proceeding, who shall give security to the satisfaction of the court, and act for said ward.

Jury to view lands.

SECTION 4. At the time and place fixed for such hearing the application, accompanied by a copy of the resolution and petition, and by proof of the service of the notice as provided in the last section, shall be filed with the county judge or court commissioner, who shall thereupon make a list of twenty-four competent jurors, residents and freeholders of said city, but not residents of said ward, nor interested in said application. He shall hear and decide any challenges for cause or favor made by any one interested, and if sustained shall replace his name with an unobjectionable juror until the list shall be perfected. Thereupon, under the direction of said county judge or court commissioner, each party, the common council by the city attorney of said city on one side, and the owners of the land or their agents or representatives, or if none be present, or if they disagree, a disinterested person, appointed by the county judge or court commissioner, on the other, shall challenge six names, one at a time, alternately, the common council beginning. To the twelve jurors remaining, the county judge or court commissioner shall issue a precept, requiring them at an hour on a day named, not more than ten nor less than three days thereafter, to appear before him to be sworn and serve as a jury to view said lands and determine the necessity for the taking thereof for the purposes specified in such petition, and at the same time shall publicly adjourn the proceedings to the time and place so named. Such precept shall be served by the sheriff, policeman or any constable of said city, at least one day before such appointed time, by reading the same to each such juror or by leaving a copy at his last and usual place of abode in presence of a member of his family.

SECTION 5. The jurors summoned shall appear at the time and place named, and if any be excused by the county judge or court commissioner, or fail to attend, he shall direct other qualified disinterested persons to be forthwith summoned in their stead, until twelve be obtained. The county judge or court commissioner shall then administer to them an oath that they are resident freeholders of said city and not residents of said ward nor interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trust reposed in them, and will well and truly inquire into and determine the necessity for taking the lands mentioned in the said petition for the purposes therein mentioned. **Oath of jurors.**

SECTION 6. Under the direction of the county judge or court commissioner, the jury shall view the lands to be taken, and shall then sit before him to hear such competent evidence as shall be produced by any party, and for such purpose the said county judge or court commissioner shall possess the same powers as a court in session with a jury, and, if there be necessity, may adjourn the sitting from day to day; and if such jury shall agree, it shall make immediate return of its determination by a verdict, in writing, showing whether or not in its judgment it is necessary to take said property for the purposes specified in said petition; and if such jury shall not agree, new precepts may be issued by said judge or court commissioner until a jury shall agree. The verdict of such jury, together with all papers in the proceeding, shall be certified immediately by such judge or commissioner to the common council. **Duty of jury.**

SECTION 7. Should the jurors determine by said verdict, that it is necessary to take such premises for the purposes specified in said petition, the common council shall make an order confirming the verdict of the jury, and shall, by order, immediately appoint three disinterested freeholders of the city, not residents of the ward in which said proposed improvements will be situated, as commissioners, whose duty it shall be, within thirty days from the date of said order, to view and examine the premises mentioned in said petition, and ascertain and appraise the cost and expenses and damages to be paid to the owner or owners of the property proposed to be taken, and also what lands or premises will be benefited by such taking, and assess and return within the time specified by the common council in said order, the amount of such damages and **Appraisement of costs, expenses and damages.**

benefits so assessed. Said commissioners, before entering upon the discharge of their duties in the premises, shall severally take an oath before some competent officer, that they are resident freeholders in the said city, and are not residents of the ward in which said proposed improvements are situated, nor interested in the premises to be taken, and that they will faithfully and impartially discharge the trust reposed in them.

When lands are occupied by buildings.

SECTION 8. If there should be any building standing in whole or in part upon the lands so to be taken, the commissioners, before proceeding to make their assessment, shall first estimate and determine the whole value of such building to the owner, aside from the value of the land and the injury to him in having such building taken from him, and secondly, the value of such building to remove.

Notice to owner.

SECTION 9. At least ten days personal notice of such determination shall be given to the owner or his agent, if known and a resident of the city, or left at his usual place of abode. If not known, or a non-resident, notice to all parties interested shall be given by publication in the official paper or papers of said city, four successive weeks, once in each week; such notice shall specify the building and the award of commissioners. It shall also require the parties interested to appear by a day to be therein named, or give notice of their election to the common council, either to accept the award of the commissioners and allow such building to be taken with the land appropriated, or their intention to remove such building. He shall have such time for this purpose as the common council may allow.

When council to sell building.

SECTION 10. If the owner shall refuse to take the building at the value to remove, or fail to give notice of his election, as aforesaid, within the time prescribed, the common council shall have power to direct the sale of such building at public auction, for cash, giving ten days notice of such sale. The proceeds shall be paid to the owner or deposited to his use.

Meeting to hear proof, etc.

SECTION 11. The said commissioners, within the time limited, shall view and examine the premises proposed to be taken, and all such premises as will, in their judgment, be injured or benefited thereby. They shall give notice by at least two weeks' publication in the official paper of said city, of the time and place at which they will meet and hear proof, allegations, or the testimony of any person interested therein, and either of the commissioners shall be authorized

to administer the necessary oath to the witnesses; and they may adjourn from time to time as they may think reasonable, and within the time limited in their order of appointment. After hearing all such testimony as may be offered (which shall be reduced to writing by one of said commissioners) they shall proceed to make their assessment and to determine and appraise to the owner or owners the value of the real estate so proposed to be taken, and the damages arising to them respectively, in consequence of the taking thereof, which shall be awarded to such owners, respectively, as compensation after making due allowance therefrom for any benefit which such owners may respectively derive from such improvement. In the estimate of damages to the land, the commissioners shall include the value of the building or buildings, if the property of the owner of such land, as estimated by them as aforesaid, less the proceeds of the sale thereof, or if taken by the owner, at the value to remove. In such case they shall only include the difference between such value and the whole estimated value of such building.

**Damages and benefits.**

SECTION 12. If the damage to any person be greater than the benefit, or if the benefit be greater than the damages, in either case the commissioners shall strike a balance, and carry the difference forward to two separate columns, so that the assessment will show what amount is to be received from or paid to such owner or owners respectively, and the difference only shall in any case be collected of them or payable to them.

**When property belongs to different persons.**

SECTION. 13. If the lands or buildings belong to different persons, or if the land be subject to lease, judgment or mortgage, or if there be any estate in it less than an estate in fee, the injury done to such persons or interests respectively shall be awarded to them by the commissioners.

**Apportionment of expenses and damages.**

SECTION 14. Having ascertained the damages and expenses of the proposed improvement aforesaid, the commissioners shall thereupon apportion and assess the same, together with the costs of the proceedings, upon the real estate by them deemed benefited, in proportion to the benefits resulting thereto from the proposed improvement, as nearly as may be, and shall describe the real estate upon which assessments may be made and which said assessment shall be entered by the city clerk in the next tax roll. The award of said commissioners shall be signed by them and returned, together with the testimony taken, with all pa-

pers relating to the improvement, to the common council, within the time limited in its order of appointment.

Appeal.

SECTION 15. Any person whose property is taken, or against whom any assessment is made, may, within ten days from the filing of the report of the commissioners to the common council with the city clerk, appeal from said assessment of damages to the circuit court of St. Croix county, by causing a written notice with such appeal to be served on the clerk of said city, and such appeal shall be tried by the court and jury as in ordinary cases. The common council shall also have the right to appeal by filing with the clerk a notice thereof within ten days as aforesaid.

Land not to be taken unless damages are paid or tendered.

SECTION 16. The land required to be taken for the purposes mentioned in this act, shall not be appropriated until the damages awarded therefor to the owner thereof, shall be paid or tendered to the owner or agent, or in case the said owner or agent cannot be found, or is unknown, deposited to his or their credit in some safe place of deposit, and then, and not before, such lands may be taken and appropriated for the purposes required, and the same shall thereafter be subject to all the laws and ordinances of the city in the same manner as streets, alleys, or public grounds opened or laid out.

Damages to be paid or tendered within one year.

SECTION 17. The damages assessed shall be paid or tendered, or deposited as herein required, within one year from the confirmation of such assessment and report, and if not so paid, tendered or deposited, all the proceedings in any such cases shall be void.

Order of council to take lands

SECTION 18. The city may pay or tender, or deposit as herein required at any time within one year from the confirmation of such assessment and report, the damages assessed in any such case; and whenever said damages have been so paid, tendered or deposited, it shall be the duty of the common council to enter an order among its proceedings, to take and appropriate such lands for the purposes required.

When contracts between landlord and tenant to be discharged.

SECTION 19. When the whole of any tract or lot or other premises under lease or other contract, shall be taken by virtue of this act, all covenants, contracts or engagements between landlord and tenant, or any other contracting parties, touching the same, or any part thereof, shall, upon the confirmation of such report, respectively cease and be absolutely discharged.

When only a part of lot or tract of land is taken.

SECTION 20. When only a part of a lot or tract of land, or other premises so under lease or other contract, shall be taken for any of the purposes aforesaid, all

the covenants, contracts or agreements respecting the same, upon the confirmation of the report, shall be absolutely discharged, as to the part thereof taken, but shall remain valid as to the residue thereof; and the rents, considerations and payments reserved, payable and to be paid for, in respect to the same, shall be so proportioned so that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid or reserved for or in respect to the same.

Survey to be made.

SECTION 21. Whenever any public grounds, streets or alley, shall be laid out, widened or enlarged under the provisions of this chapter, the common council shall cause an accurate survey thereof, to be made and filed in the office of the city clerk and register of deeds, and shall, by resolution, order the same opened.

Repealed.

SECTION 22. All acts and parts of acts in conflict with the provisions of this act, are hereby repealed.

SECTION 23. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1881.

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[No. 476, A.] [Published April 5, 1881.]

## CHAPTER 258.

**AN ACT for the distribution and sale of blue books in the possession of the superintendent of public property, under chapter thirty-three, laws of 1881.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Manner of distribution.

SECTION 1. The superintendent of public property shall distribute blue books in his possession, under chapter thirty-three, laws of 1881, as follows: ten copies each to the governor, lieutenant governor, secretary of state, state treasurer, attorney general, state superintendent, railroad commissioner, insurance commissioner, superintendent of public property, members of the senate and assembly, five copies each to the chief clerk, and sergeant-at-arms, three copies to each of the postmasters, assistant clerks and book-keepers; and one copy to each of the clerks and employes, including the extra employes, in the senate and assembly, except messenger boys; one copy to each of the reporters who have been regularly employed for the session in reporting legislative proceedings for daily papers. The balance of said books shall be kept by the superintendent of public property for sale at ninety cents per copy, as provided by chapter thirty-three, laws of 1881.

Money derived to be paid into state treasury.

SECTION 2. The superintendent shall pay over all moneys derived from the sale of such blue books to the state treasurer, to become a part of the general fund.

SECTION 3. This act shall be in force from and after its passage and publication.

Approved April 1, 1881.

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[No. 116, S.] [Published April 5, 1881.]

## CHAPTER 259.

AN ACT to provide for the correction of errors in state assessments

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

How error of board shall be corrected.

SECTION 1. In any case where the state board of assessment, through mistake or inadvertence, has heretofore assessed or shall hereafter assess to any county, a greater or less valuation, for any year, than should have been assessed to such county, said board shall, in the next succeeding state assessment, correct such error by adding to or subtracting from (as the case may be) the valuation of such county as determined by it, at such succeeding state assessment, the amount omitted from or added to the true valuation of such county in the former state assessment in consequence of such error, and the result shall be taken as the true valuation of such county for the latter year, and a final correction of such error.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1881.

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[No. 72, A.] [Published April 5, 1881.]

## CHAPTER 260.

AN ACT to amend section one of chapter two hundred and eleven of the laws of 1880, entitled, an act amending section one thousand nine hundred and forty of the revised statutes, relating to town insurance companies.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Limiting territory of town insurance companies.

SECTION 1. Section one of chapter two hundred and eleven of the general laws of 1880, is hereby amended by inserting after the word "towns" in the eighteenth line of said section, the following words: "except in

cases where all towns embraced by the corporation shall be within the same county," so that said section, when so amended shall read as follows: Section 1. Section one thousand nine hundred and forty, of chapter eighty-nine, of the revised statutes of 1878, is amended by inserting after the word "thereof," in the ninth line of said section, the words, "or at some special meeting called for said purpose, of which at least ten days notice shall be given by advertising in some newspaper published in that county, and by posting said notice in at least three of the most public places in said town or towns where said insurance companies are doing business," so that said section, when so amended, shall read as follows: Any such corporation, and any town insurance corporation, heretofore organized and now existing under any law of this state, relating to town insurance corporations, may attach any adjoining town or towns as part of its territory, and in which it may hereafter do business: provided, the town or towns so attached, together with those already within its jurisdiction, shall not exceed fifteen towns, except in cases where all towns embraced by the corporation, shall be within the same county. No town or towns shall be so attached except by a resolution adopted by a vote of two-thirds of all the shares of stock present and voting thereon, at some annual meeting thereof, or at some special meeting called for said purpose, of which at least ten days' notice shall be given by advertising in some newspaper published in that county, and by posting said notice in at least three of the most public places in said town or towns where such insurance companies are doing business, and by filing a copy of such resolution, duly certified by its secretary, in the office of the town clerk of the town in which its office is located, provided nothing in this act contained shall affect companies already doing business in towns outside of the county in which such company is organized.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1881.

[No. 77, A.] [Published April 8, 1881.]

## CHAPTER 261.

AN ACT to simplify and facilitate the collection of water rates in the city of Milwaukee.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Water rates, when due.

SECTION 1. Regular water rates shall be due and payable on the first days of May and November in each year, semi-annually, in advance. A discount of five per cent. shall be allowed by the collector of water rates on all regular water rates if paid within twenty days after the same become due. To all regular water rates remaining unpaid on the twenty-first day of the month in which they became due, the said collector shall add a penalty of five per cent. to the amount of such rates and if such rates remain unpaid for a period of ten days thereafter, he shall cause the water to be shut off from the premises subject to the payment of such rates, and in all cases where the supply of water may be shut off as above prescribed, the said collector shall not cause the water to be again turned on to said premises until all delinquent rates and penalties, and the sum of one dollar as expenses for turning off and on the water, shall have been paid. This section shall not apply to water sold by measurement. Whenever two or more tenements or dwelling houses are connected with a street main by one pipe only, the owner or owners of such tenements or dwelling houses, may provide separate cut-offs for each of said tenements or dwelling houses, in such locality as said owner or owners shall deem most efficient and expedient, provided that all such cut-offs shall be conveniently accessible to, and be controlled exclusively by, the proper officers of the water department.

Penalty for non-payment.

Water sold by measurement.

Notice to pay, etc.

SECTION 2. Said collector shall cause a printed notice to be mailed to the supposed owner or owners and occupants of all premises subject to the payment of regular water rates, directed to the place where such water is consumed, stating the amount due, the time when, and place where, such rates can be paid, the discount allowed for prompt payment, and the penalty for neglect of payment.

Unpaid rates to be placed in tax roll.

SECTION 3. If any water rates or fractional parts thereof remain unpaid on the first day of October, the same shall be certified to the comptroller by the said collector, on or before the first day of November, and

shall be placed on the tax roll and collected, in the same manner as other taxes on real estate in said city.

SECTION 4. On the third Monday of April, 1882, and biennially thereafter, the mayor shall appoint, subject to the confirmation of the common council, a proper person as collector of water rates, who shall hold his office for two years, and until his successor is appointed and qualified, unless sooner removed for cause. Said collector shall receive a salary of two thousand dollars per annum, from and after the third Monday of April, 1881. He shall have authority to collect and receive all water rates, and give receipts therefor under the direction of the city engineer; he shall have charge of all books and papers relating to the water department, and shall cause the water rates to be duly assessed and listed, and shall also keep proper books of account, and shall account to and pay over to the city treasurer, monthly or oftener, all moneys which may come into his hands by virtue of his said office. He shall appoint, subject to confirmation by the common council, all subordinate officers connected with the assessment and collection of the water rates in said city, and may require them to give reasonable bonds for the faithful discharge of their official duties. He shall, before entering upon his official duties, as prescribed in this act, take the usual oath of office, and execute a bond to the city of Milwaukee, with sufficient sureties, to be approved by the mayor in the penal sum of ten thousand dollars, conditioned that he will faithfully discharge the duties of his office and account to and pay over to the city treasurer, all moneys which may come into his hands by virtue of his said office. The present collector of water rates shall remain in office and discharge the duties provided in this act, until the third Monday of April, 1882, at which time the first appointment under this act shall be made. He shall receive the salary prescribed in this act, from the passage and publication of this act, or as soon as he shall, after the passage of this act, give a new bond to the said city in the sum of ten thousand dollars, with sufficient sureties, to be approved as above, for the faithful performance of his official duties during the term aforesaid. Collector of water rates.

SECTION 5. All provisions of law conflicting with the provisions of his act, are hereby repealed. Repealed.

SECTION 6. This act shall be in force from and after its passage and publication.

Approved April 1, 1881.

[No. 338, A.] [Published April 9, 1881.]

## CHAPTER 262.

AN ACT to submit to the people an amendment of sections four, five, eleven and twenty-one, article four, of the constitution of this state.

Preamble.

WHEREAS, At the annual session of the legislature of this state for the year 1880, an amendment to the constitution of this state was proposed and agreed to by a majority of the members elected to each of the two houses, which amendment was in the following language:

Resolution.

*Resolved by the assembly, the senate concurring,* that section four of article four of the constitution of this state, be amended so as to read as follows:

Members of the assembly.

Section 4. The members of the assembly shall be chosen biennially by single districts, on the Tuesday succeeding the first Monday of November, after the adoption of this amendment, by the qualified electors of the several districts; such districts be bounded by county, precinct, town or ward lines; to consist of contiguous territory, and be in as compact form as practicable.

Senators.

That section five, of article four, of the constitution of this state, be amended so as to read as follows: Section 5. The senators shall be elected by single districts of convenient contiguous territory at the same time and in the same manner as members of the assembly are required to be chosen, and no assembly district shall be divided in the formation of a senate district. The senate districts shall be numbered in the regular series, and the senators shall be chosen alternately from the odd and even numbered districts. The senators elected or holding over at the time of the adoption of this amendment shall continue in office till their successors are duly elected and qualified. And after the adoption of this amendment, all senators shall be chosen for the term of four years.

Meeting of legislature.

That section eleven of article four, of the constitution of this state be amended so as to read as follows: Section 11. The legislature shall meet at the seat of government at such time as shall be provided by law, once in two years, and no oftener, unless convened by the governor in special session, and when so convened no business shall be transacted except as shall be necessary to accomplish the special purposes for which it was convened.

That section twenty-one of article four of the constitution of this state, be amended so as to read as follows: Section 21. Each member of the legislature shall receive for his services for and during a regular session, the sum of five hundred dollars, and ten cents for every mile he shall travel in going to and returning from the place of meeting of the legislature, on the most usual route. In case of an extra session of the legislature, no additional compensation shall be allowed to any member thereof, either directly or indirectly, except for mileage, to be computed at the same rate as for a regular session. No stationery, newspapers, postage or other perquisites, except the salary and mileage above provided, shall be received from the state by any member of the legislature for his services, or in any other manner as such member. Compensation of members.

WHEREAS, The foregoing proposed amendment to the constitution of state, was duly ratified and agreed to by the legislature of this state for the year 1881, by a majority of all members elected to each house, therefore: Preamble.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The foregoing proposed amendments to the constitution of this state, shall be submitted to the people at a general election to be held on Tuesday succeeding the first Monday of November, 1881, and if the people shall approve and ratify the said amendments by a majority of the electors voting thereon, said amendments shall become a part of the constitution of this state. Submission of questions to vote of electors.

SECTION 2. The form of the ballot in voting to approve and ratify said amendments shall be: for the amendment to section four, article four, of the constitution; for the amendment to section five, article four, of the constitution; for the amendment to section eleven, article four, of the constitution; for the amendment to section twenty-one, article four, of the constitution. And the form of the ballots against said amendment shall be: against the amendment to section four, article four, of the constitution; against the amendment to section five, article four, of the constitution; against the amendment to section eleven, article four, of the constitution; against the amendment to section twenty-one, article four, of the constitution. They shall be on separate ballots, and said ballots shall be cast in separate boxes, to be provided for that purpose, and all persons qualified to vote at any election in this state, shall be deemed voters on this question. Form of ballot.

Canvass of votes.

SECTION 3. The votes cast for or against said amendments, shall be counted and returned by the inspectors of the election in all respects as votes for state officers are counted and returned, and the officers in counties now designated by law to canvass the returns of votes for state officers, shall canvass the returns in their respective counties on this question, and certify and return the result to the state canvassers at the same time and places, and under the same regulations and restrictions, now provided by law for canvassing and declaring the returns for elections of state officers, and the state canvassers shall canvass said returns, certified to them as provided by law in case of elections for state officers.

Proclamation of governor.

SECTION 4. Within three days after the determination of said canvass by the state canvassers, they shall certify the result thereof to the governor, who shall thereupon, without delay, make proclamation of the result.

SECTION 5. The secretary of state is hereby required to include the substance or this act in the notice of the general election for the year 1881.

Approved April 1, 1881.

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[No. 499, A.] [Published April 7, 1881.]

## CHAPTER 263.

AN ACT to amend section two hundred and fifteen of the revised statutes, entitled of public lands.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Certificates, how made, recorded and assigned.

SECTION 1. Section two hundred and fifteen of the revised statutes, is hereby amended by striking out, after the word "filed,' in the second line, the words "and recorded," so that said section, when so amended, will read as follows: Section 215. All original and duplicate certificates shall be properly numbered, and the original shall be filed in the office of said commissioners, and as many distinct lots or tracts of lands hereafter purchased by one person in one section at the same time, as he shall request, shall be included in one certificate or one patent, as the case may be. All certificates may be acknowledged and recorded in the same manner that deeds may be. They may also be assigned in writing, which assignment may be acknowledged and recorded in like manner, and the person to whom the same shall be legally assigned, shall have

the same rights and remedies thereupon as the original purchaser would have had.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1881.

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[No. 525, A.] [Published April 5, 1881.]

## CHAPTER 264.

AN ACT to provide per diem for the services of a messenger boy therein named.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, a sum sufficient to pay the per diem of the late Eddie Kavanaugh (assembly messenger boy) from January 12, 1881, to the close of the present session of the legislature, and the sergeant-at-arms of the assembly is hereby instructed to reinstate his name on the pay roll, and his widowed mother is hereby empowered to draw and receipt for the same. Appropriation.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1881.

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[No. 509, A.] [Published April 5, 1881.]

## CHAPTER 265.

AN ACT in relation to the support of the poor, and to amend section one thousand five hundred and two of the revised statutes.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one thousand five hundred and two of the revised statutes, is hereby amended so as to read as follows: Section 1502. The father, mother and children, being of sufficient ability, of any poor person, who is blind, old, lame, impotent or decrepit, so as to be unable to maintain himself, shall, at their own charge, relieve and maintain such poor person in such manner as shall be approved by the supervisors of the town where such person may be, and upon failure of any such relation so to do, the supervisors shall apply to the county judge of the county wherein such poor person may be, for an order to com- When relatives to support poor persons.

pel such relief, of which application at least fourteen days' notice in writing shall be given by serving the same upon the person to whom it is directed, in the same manner provided in section two thousand six hundred and thirty six of the revised statutes, for the service of summons in courts of record. Such notice may be so served anywhere within this state.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1881.

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[No. 481, S.] [Published April 5, 1881.]

## CHAPTER 266.

**AN ACT to authorize Robert Jackson, or his assigns, to erect, maintain and keep up a dam across Yellow river, in Chippewa county, Wisconsin.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Location of dam

SECTION 1. Robert Jackson, or his assigns, are hereby authorized to erect, maintain and keep up a dam across Yellow river, on section one (1), township twenty-nine (29) north, range six (6) west, in Chippewa county, Wisconsin, provided that such dam shall not raise the water to exceed five feet.

Suitable slides to be built.

SECTION 2. The aforesaid Robert Jackson, or his assigns, shall build suitable slides in said dam for runnings logs, timber and lumber over the same, and shall keep the same in repair; the same shall be kept open at all times when the river is at a driving stage, and there are logs, timber or lumber to run over said dam, and when it is not necessary to hold the water back for the purpose of driving or flooding logs, timber or lumber below the said dam, for which purpose flood gates shall be kept in repair, and built in such manner as to be shut or opened, as the case may require, to flood the said logs, timber or lumber, provided that no charge shall be made for the passage over or through said dam of all logs, timber or lumber which may be run on said river.

No tolls to be charged.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1881.

[No. 455, A.] [Published April 5, 1881.]

## CHAPTER 267.

AN ACT to authorize E. G. Cory, her associates and assigns, to build and maintain a dam across the Plover river, in Marathon county, Wisconsin.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. E. G. Cory, her associates and assigns, are hereby authorized to build and maintain a dam across the Plover river, on the southwest fractional quarter of section nineteen (19), in township twenty-eight (28) north, of range ten (10) east, in Marathon county, Wisconsin, for the purpose of holding logs, provided that such a dam shall not raise the water to exceed four feet. Location of dam

SECTION 2. The aforesaid person, her associates and assigns, shall build suitable slides in said dam for running logs, timber and lumber over the same, and shall keep the same in repair, and the same shall be kept open at all times when the river is at a driving stage and there are logs, timber or lumber to run over said dam, and shall allow to be put through said dam all logs, timber and lumber belonging to any and all other persons, free and clear of charge and expense. Use of improvements to be free

SECTION 3. The aforesaid person, her associates and assigns, shall enjoy the privilege, granted in this act, for the term of fifteen years.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1881.

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[No. 423, A.] [Published April 5, 1881.]

## CHAPTER 268.

AN ACT amendatory of section one thousand and forty-seven of chapter forty-eight of the revised statutes, relating to the assessment of taxes, and section one thousand one hundred and forty-three of chapter forty-nine of the revised statutes, relating to the collection of taxes.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one thousand and forty-seven of chapter forty-eight of the revised statutes of 1878, is hereby amended by adding thereto the following: Where a more complete description may not be practicable, and a deed describing any piece of real property is recorded in the office of the register of deeds Lands, how described in rolls.

for the county, a description stating the volume and page where recorded, and the section, village, or, if within a city, the ward, where the property is situated, shall be sufficient.

Officers not to purchase at tax sales.

SECTION 2. Section one thousand one hundred and forty-three of chapter forty-nine of the revised statutes, is hereby amended so as to read as follows: Section 1143. It shall not be lawful for any county treasurer, or any county clerk, or for any of their deputies, or clerks, or any other person for them, or any of them, to purchase, directly or indirectly, property sold for taxes at any tax sale or tax deed, held by the county or by any person or persons whomsoever, except for and on behalf of the county, as provided by law; nor shall any such treasurer, county clerk, or any of their deputies or clerks, or any other person for such treasurer, county clerk, or for any of their deputies or clerks, be directly or indirectly interested in the purchase of any property sold as aforesaid, at any such tax sale, or in the purchase of any tax certificate or tax deed, except as hereinbefore provided; and any tax certificate or tax deed purchased or issued, or any purchase of property made in violation of the provisions of this section, shall be null and void; and no money received into the county treasury for any such tax certificate shall be refunded to the purchaser or to any person on his behalf.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1881.

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[No. 174, A.] [Published April 9, 1881.]

## CHAPTER 269.

AN ACT to amend sections one thousand and eighty-one, one thousand and eighty-nine, one thousand and ninety, and eight hundred and forty of chapter forty-eight, of the revised statutes of 1878, relating to the assessment and collection of taxes.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Treasurer to deliver receipt for bond to clerk.

SECTION 1. Section one thousand and eighty-one of the revised statutes of 1878, is hereby amended by striking out the word "then" where it is found in the twenty-first line of said section, and insert after the word "such" in the twenty-second line, the following words: "on or before the second Monday in December," so that said section, when so amended, shall read as follows: Every such treasurer shall de-

liver said receipt to the clerk of his town on or before the first day of December, and thereupon the clerk shall attach to said tax roll a warrant, substantially in the following form:

Form of warrant.

The state of Wisconsin to ———, treasurer of the town of ———, in the county of ———: You are hereby commanded to collect, from each of the persons and corporations named in the annexed tax roll, and from the owners or occupants named of the real estate prescribed therein, the taxes set down in such roll, opposite to their respective names, and to the several parcels of land therein described; and in case any person or corporation upon whom any such sum or tax is imposed, shall refuse or neglect to pay the same, you are to levy and collect the same by distress and sale of the goods and chattels of the person or corporation so taxed, and out of the moneys so to be collected, after deducting your fees, you are first to pay to the treasurer of said county on or before the last Monday in January next, the sum of ——— for state taxes; you are to retain and pay out as town treasurer, according to law, the sum of ———, and the balance of said moneys you are required to pay to said treasurer for county purposes, on or before the day above specified, by which day you are further required to make return to said treasurer of this warrant, with said roll annexed, together with your doings thereon, as required by law. Given under my hand, this ——— day of ——— 18—,

———, town clerk.

The clerk shall deliver the tax roll, with said warrant annexed, to the town treasurer, if he shall have duly qualified as such, on or before the second Monday in December, and charge him with the town and local taxes therein.

Town treasurer to post notices for the payment of taxes.

SECTION 2. Section one thousand and eighty-nine of the revised statutes of 1878, is hereby amended by striking out the word "first" where the same occurs in each of the fifth and sixth lines of said section, and by inserting in lieu thereof the word "tenth," so that said section when amended shall read as follows: Section 1089. The town treasurer of each town, on the receipt of the tax roll for the current year, shall forthwith post notices in three or more public places in such town, that the tax roll for such town is in his hands for collection, and that the taxes charged therein are subject to payment at his office, at any time prior to the tenth day of January in such year, and after the said tenth day of January he shall proceed to collect

the taxes charged in such roll and remaining unpaid, and for that purpose shall call at least once on the person taxed, or at the place of his usual residence, if within the town, and demand payment of the taxes charged to him on such roll.

SECTION 3. Section one thousand and ninety of the revised statutes of 1878, is hereby amended by striking out the word "first" where the same occurs in the second line of said section, and inserting in lieu thereof the word "tenth," so that said section when amended shall read as follows: Section 1090. On all taxes paid or tendered at the office of such treasurer prior to said tenth day of January, he shall remit all of the five per cent. collection fees, except so much thereof as he is authorized by law to have for his fees upon taxes so paid.

**Town treasurer to receive percentage on taxes collected.**

SECTION 4. Section eight hundred and forty of the revised statutes of 1878, is hereby amended by striking out the word "first" where the same occurs in each of the second and fifth lines of said section, and by inserting in lieu thereof the word "tenth," so that said section when amended, shall read as follows: Section 840. Every town treasurer shall receive two per centum on all taxes collected by him prior to the tenth day of January, and five per centum on all collected thereafter during his term, to be retained from the collections: provided the annual town meeting may by ballot or resolution, reduce such fees on taxes paid before the tenth day of January, to not less than one per centum; and in addition thereto, when collection is made by distress and sale of goods, the same fees given by law to constables for levy and sale of goods upon execution, and also two per centum of all drainage fund moneys that shall be received by him from the state or county, to be retained out of such moneys; and for making his return of delinquent taxes, one dollar, and six cents for each mile traveled one way to deliver the same, to be paid by the county treasurer on settlement; he shall have no other compensation. The treasurer of each incoporated village authorized to perform similiar duties shall receive the same compensation therefor, and the electors may in like manner limit the same at the charter election, except when otherwise provided in the act of incorporation.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1881.

[No. 356, A.] [Published April 12, 1881.]

## CHAPTER 270.

**AN ACT to provide for the election of justices of the peace and constables in incorporated villages.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Every village incorporated under special act of the legislature and not authorized by such act, or by any amendment thereto, to choose a justice of the peace, or a police justice, shall, at the annual charter election of such village, choose one justice of the peace and one constable, in the manner prescribed by the charter of such village for electing trustees. **Elections of justice of the peace.**

SECTION 2. Every justice of the peace chosen under the provisions of section one of this act shall, within ten days after his election, take and subscribe the oath of office, and file the same with the clerk of the circuit court; and also execute and file with such clerk a bond in similar form to that required of justices elected by towns. He shall hold his office for two years from the time of his election, and when a vacancy occurs, it shall be filled at the next annual charter election. He shall have concurrent jurisdiction and powers throughout the county with other justices of the peace, and exclusive original jurisdiction, as such justice, of all cases arising under the ordinances and by-laws of such village. If temporarily absent or incapacitated, or in any case of vacancy, any justice of the peace of the town in which such village is located, may perform the duties of his office. **Oath of office.** **Jurisdiction.**

SECTION 3. Every constable chosen under the provisions of section one of this act, shall give a bond similar to that required of constables elected by towns, and shall be deemed included and governed in every respect by the law prescribed to them. He shall file his bond and oath of office with the town clerk of the town in which such village is situated, within ten days after his election, and shall hold his office for the term of one year. **Bond.**

SECTION 4. The provisions of all acts and parts of acts contravening the provisions of this act, are hereby repealed. **Repealed.**

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1881.

[No. 349, A.] [Published April 5, 1881.]

## CHAPTER 271.

AN ACT to authorize the commissioners of the public lands to loan a portion of the trust funds of the state to the county of Oconto.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Loan authorized, $20,000.

SECTION 1. The commissioners of public lands are hereby authorized, in their discretion, to loan a portion of the trust funds of this state, not exceeding twenty thousand dollars, to the county of Oconto, in this state, subject to the provisions and conditions of chapter one hundred and sixty-seven of the laws of 1881, entitled "an act to authorize loans and extension of loans from the trust funds of this state," and the board of supervisors of said county is hereby authorized in behalf of said county, to borrow any sum, by resolution of that body, not exceeding the amount above named, of said commissioners, and to issue to said commissioners, certificates of the indebtedness so contracted; such indebtedness shall bear interest at the rate of seven per cent. per annum, and said interest shall be paid annually, together with not less than one-twentieth of the principal sum, till the whole is paid: provided, that the amount of said bonds, including existing indebtedness, shall not exceed in the aggregate five per centum on the value of the taxable property of said county, to be ascertained by the last assessment for state and county taxes previous to the issue of said bonds.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1881.

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[No. 133, A.] [Published April 6, 1881.]

## CHAPTER 272.

AN ACT to repeal chapter one hundred and fifty-five of the laws of 1880, entitled an act to amend subdivision eight of section four hundred and sixty-one of the revised statutes, relating to inspection districts and the examination of teachers, and to re-enact and restore subdivision eight of section four hundred and sixty-one of the revised statutes.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Inspection districts.

SECTION 1. Subdivision eight of section four hundred and sixty-one of the revised statutes, is hereby

amended so as to read as follows: To divide his district into inspection districts bounded by town lines, and containing not more than four towns each, when the number of schools in his district, including graded schools, shall exceed one hundred and fifty, but to form not less than four inspection districts, if the number of schools is less than one hundred and fifty; and not less than three if the number is less than one hundred; to hold in each inspection district at least two meetings in each year for the examination of teachers; and to furnish each district clerk in the same a written notice of each meeting, to be posted by him in some conspicuous place in his district; such notice shall contain the names of the towns, embraced in the inspection district to which it relates, and the time, place, and objects of the meeting. The examiation of the teachers thus held shall be public, and shall be conducted by oral and written questions and answers, which shall be uniform in his districts. Whenever, for any cause satisfactory to the county superintendent, any person desiring a certificate as a teacher, shall be unable to attend upon such examination, he may be examined at any time fixed by him, and if found qualified by law to teach, may receive a certificate of the proper grade, which shall remain in force until the next regular examination in such inspection district.

**Examination of teachers; notice, how given.**

SECTION 2. This act shall be in force from and after its passage and publication.

Approved April 1, 1881.

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[No. 64, A.] [Published April 5, 1881.]

## CHAPTER 273.

**AN ACT to amend section one thousand two hundred and ninety-nine of chapter fifty-two, of the revised statutes of 1878, entitled highways and bridges.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one thousand two hundred and ninety-nine chapter fifty-two of the revised statutes, which reads as follows: The several supervisors and commissioners authorized to lay out roads under the provisions of this chapter, are also authorized to administer any oaths required by the provisions of this chapter, shall be amended so as to read as follows: The several supervisors and commissioners authorized to lay out roads, under the provisions of this chapter,

**Supervisors to administer oaths, etc.**

are also authorized to administer and certify to any oaths or affidavits required by the provisions of this chapter.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1881.

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[No. 445, A.] [Published April 12, 1881.]

## CHAPTER 274.

AN ACT to amend an act entitled "an act to revise, consolidate and amend the charter of the city of Milwaukee, approved February 20, 1852, and the several acts amendatory thereof, approved March 10, 1874, and the acts amendatory thereof."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Resolutions to appropriate money to be referred to committee.

SECTION 1. Section five of sub-chapter four, of chapter one hundred and eighty-four of the laws of 1874, entitled "an act to revise, consolidate, and amend the charter of the city of Milwaukee, approved February 20, 1852, and the several acts amendatory thereof," is hereby further amended so as to read as follows, to-wit: Section 5. All resolutions appropriating money, or creating any charge against any of the funds of said city or wards, and all accounts and ordinances, shall be referred to appropriate committees, and shall only be acted on by the common council at a subsequent meeting not held on the same day, on the report of the committee to which the same were referred; and if such report is made upon an ordinance or resolution appropriating money out of, or creating any charge against, any of the funds aforesaid, said report shall be countersigned by the city comptroller, and said comptroller shall not countersign any such report, unless there is a sufficient portion of the proper city or ward fund unappropriated, to meet said appropriation or charge. Action upon any report of a committee made to the common council, shall be deferred to the next regular meeting of the same by request of one-fifth of the aldermen present. And no portion of any city or ward fund shall be transferred to, or borrowed for, or by any other of said funds, at any time, or for any purpose whatsover, so as to increase any fund to an amount in excess of the estimate for such fund as fixed by the common council.

Estimate of cost for im-

SECTION 2. Section six of sub-chapter seven of said chapter one hundred and eighty-four, of the laws of

1874, is hereby further amended so as to read as follows, to-wit: Section 6. Whenever the board of public works shall deem it necessary to grade or otherwise improve any alley, sidewalk or public ground, or to erect and construct a bridge or viaduct over any ravine in said city of Milwaukee, or to dredge or dock any of the rivers or of the public canals after their first construction, or to abate any nuisance caused by stagnant water in said city, it shall cause to be made an estimate of the cost of such work, and shall put the same on file in its office, and such estimate shall be open to the inspection of any party interested. Thereupon the said board of public works shall make to the common council such recommendation in relation to the proposed work as it may deem proper; and upon the same being adopted by the common council, in whole or in part, the said board may order so much of the work to be done as shall have been adopted, provided that no change of any previously established grade, and no such work, chargeable to lots or parcels of land fronting on or abutting on the same, except repairs and except docking and dredging, shall be ordered by resolution, ordinance or otherwise, unless a petition therefor shall first be presented to the common council, signed by residents of said city owning a majority of the feet in front of all the lots fronting upon such proposed improvements, owned by residents of such city, and for that purpose, every person in the actual possession of any lot or parcel of land fronting upon such improvements under a contract in force for the purchase thereof from the owner, shall be held to be a freeholder within the meaning of this act, and to be the owner of such real estate for the purpose of petitioning as owner thereof. Each person signing such petition as a resident or as the owner of property, shall be required to write after his signature thereto, a brief description of the property so owned by him, and of the place of his his residence in said city, and to annex thereto an affidavit that he is such resident and owner, and thereupon he shall be taken to be such resident and owner, and such petition shall be as valid and have the same effect, as if such person were the owner of such property and a resident of the city or ward, as stated in his affidavit, although in fact it should thereafter appear that he was not such owner or resident.

proving streets, sidewalks, etc.

SECTION 3. Section seven of sub-chapter eight of said chapter one hundred and eighty-four of the laws of 1874, is amended by adding thereto the following

Notice giving description of proposed improvements.

words, to-wit: Provided, further, that said board of public works shall, at least five days before the presentation of such recommendation to the common council, serve a notice stating the day when such recommendation will be presented to the common council, and giving a general description of the proposed improvement and extension personally, upon the owner or owners, if they reside in said city, of every lot or parcel of land fronting or abutting on such sewer. Upon the presentation of such recommendation to said common council, with proper proof of service of the notice above described, the same shall be referred to the appropriate committee, and considered and disposed of in the same manner and under the same rules, as are provided for in the case of ordinances or resolutions creating a charge or liability against any city or ward fund.

**Penalty for depositing debris into sewers in certain cases.**

SECTION 4. Section one of chapter two hundred and six, laws of 1880, is hereby amended so as to read as follows: Section 1. Any person who shall deposit, or knowingly cause to be deposited, in any open stream or river in the city of Milwaukee, after June 1, 1880, any offal, garbage or filth, or any refuse, obnoxious, odious, or unhealthful matter of any kind or nature whatever, from any factory, brewery, distillery, stock yard, slaughter house, tannery, gas factory, glue factory, or other building or establishment of whatever kind, located in said city, or the contents of any privy, privy vault or water closet, located within any residence or dwelling house, and connected with or emptying into any of the sewers of said city, unless means are provided and employed for the abundant flushing of the same with clear water every time it may be used, shall be deemed guilty of a misdemeanor, and for every such offense, shall be punished by imprisonment in the county jail not more than three months, or by a fine not exceeding one hundred dollars, or by both fine and imprisonment, as the court may determine. It shall be the duty of the commissioners of health to rigidly enforce this provision of law, and for this purpose, he shall have power to employ a sufficient number of assistants, the compensation of whom shall be fixed and determined by the common council.

SECTION 5. This act shall be in force from and after its passage and publication.

Approved April 1, 1881.

[No. 252, S.] [Published April 5, 1881.]

## CHAPTER 275.

AN ACT relating to Wisconsin archæology.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The governor of Wisconsin, and the president and the secretary of the state historical society, are hereby authorized to negotiate with F. S. Perkins, with reference to the purchase by the state, of his archæological collection, at a cost not exceeding six thousand dollars, and to report to the next legislature the result of their negotiation, together with their views as to the expediency of the state purchasing the said collection, and as to the cash or salable value of the same, provided that nothing herein shall bind the sale in any manner by reason of any contract of purchase made by virtue hereof. Purchase of collection authorized.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1881.

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[No. 250, S.] [Published April 6, 1881.]

## CHAPTER 276.

AN ACT to amend section one of chapter eighteen, laws of 1881, approved February 25, 1881, entitled an act to amend section two thousand four hundred and sixty-nine of the revised statutes, in relation to terms of county courts.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. That portion of section one of chapter eighteen, laws of 1881, relating to the terms of county court of the city of Milwaukee, is amended so as to read as follows: The terms of the county court of the county of Milwaukee, shall be held on the first Monday of February, the second Monday of March, the second Monday of May, the first Monday of June, the first Monday of September, the first Monday of November, and the first Monday of December. No jury shall be summoned for either of said terms except for those appointed to be held on the second Monday of March, and on the first Monday in June, September and December. Terms of court.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1881.

[No. 248, S.] [Published April 7, 1881.]

## CHAPTER 277.

AN ACT to provide for participation by the state of Wisconsin in the Yorktown centennial celebration, and to appropriate a certain sum of money therefor.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation, $1,500.

SECTION 1. There is hereby appropriated to the governor of the state of Wisconsin, out of any funds in the state treasury not otherwise appropriated, the sum of fifteen hundred dollars, to enable the governor, with his military staff, to attend the celebration of the Yorktown centennial and take proper part in the public exercises on that occasion, and to enable the state to take proper part in the erection of the monument, the corner stone of which is to be then laid. Provided, however, that no part of the money hereby appropriated shall be used to pay the expenses of any person except the governor, who did not serve in the active military service of the United States during the civil war as a member of some military organization of the state of Wisconsin.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1881.

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No. 227, S.] [Published April 6, 1881.]

## CHAPTER 278.

AN ACT relating to the fees of register of deeds, and amendatory of section seven hundred and sixty-four of chapter thirty-seven of the revised statutes.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amendment.

SECTION 1. Section seven hundred and sixty-four of chapter thirty-seven of the revised statutes, relating to the fees of register of deeds, is hereby amended by striking out the words "quarterly from the county treasury, on an itemized account, verified by his oath," where the same occur in the ninth division of fees as made by said section, and by inserting in lieu thereof the words "by the county in cases where the certificate or proof of such marriage, birth or death is presented for registration within one year after its occurrence, but otherwise to be paid by the party procurring its registration;" so that said section, when

amended, shall read as follows: Section 764. Every register of deeds shall receive the following fees, to-wit: For entering and recording any deed or other instrument, ten cents for each folio and three cents for every necessary entry thereof in the tract index when kept, but to be at least fifty cents for any deed, and seventy-five cents for any mortgage. For recording any intsrument written in any other than the English language, twenty cents for each folio. For filing and entering any writ of attachment or copy thereof, with the certificate of the officer, or any certificate of sale or any notice of the pendency of any action, containing not more than twenty defendants, twenty-five cents, and twenty-five cents for every additional twenty defendants, in any such notice. For copies of any records or papers, seven cents for each folio, and twenty-five cents for his certificate. For every entry of a discharge of a mortgage in the margin of a record, ten cents. For filing every other paper and making an entry thereof when necessary, ten cents. For a certified copy of the full record of any marriage, birth, or death, fifty cents. For examining the proofs of marriage, birth or death, when presented in the form of affidavits, twenty-five cents; all the foregoing fees to be payable in advance by the party procuring such service. For registering any marriage, birth or death, twenty-five cents, and for copy thereof certified to the secretary of the state, ten cents, to be paid by the county in cases where the certificates or proof of such marriage, birth or death is presented for registration within one year after its occurrence, but otherwise to be paid by the party procuring the registration. For making his annual statistical return of real estate sales to the secretary of state, eight cents per folio, to be paid out of the state treasury. For making a new tract index upon the order of the county board, such sum as may be fixed by the county board, not exceeding two cents for each entry, to be paid from the county treasury. Whenever all the fees together of the register are less than three hundred dollars per annum, the county board may, in its discretion, pay him a salary not exceeding two hundred dollars per year.

Fees of register of deeds.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1881.

[No. 177, S.] [Published April 6, 1881.]

## CHAPTER 279.

AN ACT to amend section three hundred and seventy-five of the revised statutes, relating to the state historical society, and appropriating a sum of money.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amendment.

SECTION 1. Section three hundred and seventy-five of the revised statutes, as amended by chapter one hundred and six, laws of 1880, is hereby amended by striking out the word "sixty" in the third line of said section, and inserting in lieu thereof, the word "seventy-five," so that the section when so amended, shall read as follows: Section 375. The said society shall have a corresponding secretary and a librarian; and may employ an assistant librarian at an expense not exceeding seventy-five dollars a month, to be certified by the corresponding secretary and librarian, and paid out of the state treasury. The state printer shall bind in half calf binding, the British patent reports, and, in suitable binding, all newspaper files which the society shall hereafter receive, under direction of the library committee, when approved by the governor, and said printer shall print such circulars and labels as the corresponding secretary may require. The secretary of state is directed to audit the same, and for these purposes a sufficient amount is hereby appropriated out of any money in the state treasury not otherwise appropriated.

Officers and employes.

Printing and binding.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1881.

[No. 122, S.] [Published April 6, 1881.]

## CHAPTER 280.

AN ACT relating to the coat of arms of the state of Wisconsin, and providing for the purchase of a great seal of the state.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The coat of arms of the state of Wisconsin is hereby declared to be as follows, viz: Coat of arms of state.

ARMS.— Or, quartered, the quarters bearing respectively a plow, a crossed shovel and pick, an arm and held hammer, and an anchor, all proper; the base of shield resting upon a horn of plenty and pyramid of pig lead, all proper; over all, on fesse point, the arms and motto of the United States, viz.: *Arms*, palewise of thirteen pieces argent and gules; a chief azure; *motto* (on garter surrounding inescutcheon), "E pluribus unum."

CREST.— A badger, passant, proper.

SUPPORTERS.— Dexter, a sailor holding a coil of rope, proper; sinister, a yeoman resting on a pick, proper.

MOTTO.— Over crest, "Forward."

SECTION 2. The great seal of the state shall consist of a metallic disc, two and three-eighths inches in diameter, containing, within an ornamental border, the the following devices and legend, viz: The coat of arms of the state, as in this act described; above the arms, in a line parallel with the border, the words, "Great Seal of the State of Wisconsin;" in the exergue, in a curved line, thirteen stars. Description of great seal.

SECTION 3. As the present great seal of the state has become so worn as to be incapable of making a fair impression, the governor is hereby authorized and directed to procure a new great seal, as hereinbefore described, to be engraved in the best manner, with a suitable press for taking impressions therefrom; and thereafter to cause the great seal now in the keeping of the secretary of state to be defaced by filing two marks at right angles across the face of the same. The great seal now kept by the secretary of state shall continue to be used until the fourth day of July, 1881, and thereafter the new seal, herein provided for, shall be used as the great seal of the state. New great seal authorized.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1881.

[No. 108, S.] [Published April 7, 1881.]

## CHAPTER 281.

AN ACT to appropriate to the regents of the university of Wisconsin the sum of money therein named.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation, $4,500.

SECTION 1. There is hereby appropriated, out of the general fund out of any money not otherwise appropriated, to the regents of the university, such sum as may be necessary, not exceeding the sum of four thousand five hundred dollars, for the purpose of repairing and putting in order the waterworks and pumps at the university, so that a safe, adequate and permanent supply of water for the state capitol and university buildings, shall be secured.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1881.

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[No. 60, S.] [Published, April 5, 1881.]

## CHAPTER 282.

AN ACT to appropriate to the northern hospital for the insane certain sums of money for current expenses and special purposes.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation, $63,480.39.

SECTION 1. There is hereby appropriated to the northern hospital for the insane, out of any money in the general fund not otherwise appropriated, the following sums for the purposes specified: For current expenses of the hospital to January 1, 1882, fifty-five thousand nine hundred and eighty dollars and thirty-nine cents; for pump and fixtures, three thousand eight hundred and ninety dollars; for fire main and hydrants, three thousand six hundred and ten dollars.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1881.

[No. 59, S.] [Published April 5, 1881.]

## CHAPTER 283.

AN ACT to appropriate to the state hospital for the insane certain sums of money for current expenses and special purposes.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated to the state hospital for the insane, out of any money in the general fund not otherwise appropriated, the following sums, for the purposes specified, viz: For the current expenses of the hospital to January 1, 1882, fifty-three thousand three hundred and twenty dollars, and seventy-four cents; to cement basement, one thousand dollars; to rebuild laundry wall, six hundred dollars; for fire proof elevator, two thousand dollars; for iron stairs, four hundred dollars. Appropriation, $57,320.74.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1881.

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[No. 58, S.] [Published April 8, 1881.]

## CHAPTER 284.

AN ACT to appropriate to the Wisconsin industrial school for boys, certain sums of money for current expenses and special appropriations, and to authorize the board of managers to settle with the Milwaukee and Madison railway company for right of way.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated to the Wisconsin industrial school for boys, out of any money in the general fund not otherwise appropriated, the following sums for the purposes specified, viz: For the current expenses of the school to January one, 1882, thirty-eight thousand seven hundred and eighty-one dollars; for completing family building number ten, eight thousand dollars; for well and water supply, one thousand dollars; for paints, oils, etc., six hundred dollars; for new fence, eight hundred dollars. Appropriation, $19,181.00.

SECTION 2. The managers of said school are hereby empowered and authorized to settle with the Milwaukee and Madison railway company for the right of way used by said company in crossing the land of the state occupied by said industrial school for boys, in such Authority of managers.

manner and upon such terms as they may deem best for the state, and may direct their president to deed said right of way to said railway company.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1881.

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[No. 57, S.] [Published April 8, 1881.]

## CHAPTER 285.

AN ACT to appropriate to the Wisconsin institution for the education of the deaf and dumb, certain sums of money for current expenses and special purposes.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation, $26,328.01.

SECTION 1. There is hereby appropriated to the Wisconsin institution for the education of the deaf and dumb, out of any money in the general fund not otherwise appropriated, the following sums for the purposes specified, viz: For the current expenses of the institution to March 1, 1882, twenty-eight thousand dollars; for printing press, five hundred dollars; for refrigerator, one thousand two hundred dollars; for rotary oven, three hundred and fifty dollars; and for the following amounts already expended in accordance with the provisions of section three of chapter two hundred and eighty-nine of the statutes of 1880, viz: for indebtedness, September thirty, three thousand and seventy dollars and sixty-five cents; for steam traps, four hundred and twenty-two dollars; for covering steam pipes, two hundred and seventy-five dollars; for furniture, one thousand five hundred dollars; for architects' fees, etc., one thousand five hundred dollars and thirty-six cents.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1881.

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[No. 18, S.] [Published April 11, 1881.]

## CHAPTER 286.

AN ACT to limit the lien of debts upon the real estate of deceased persons, and to provide for making a record of the descent thereof.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

When debt against a person shall not

SECTION 1. No debt of or claim against any deceased person which was not a lien upon the real estate of

such decedent before his death, shall be a lien upon or valid claim against any such real estate in this state, for the payment of which such real estate can be sold by an executor or administrator after three years from the death of such decedent, or when such debt or claim shall become due and payable subsequent to the death of said decedent, then such debt or claim shall cease to be a lien on such real estate after three years from the time they shall become due and payable, excepting in the following cases: First, when such claim is created or charged upon such real estate by some provision in a will. Second, when letters testamentary upon the will, or of administration of the estate of such decedent have been duly issued in this state within such three years, and such claim is duly presented to the county court, or commissioners appointed by the court from which such letters are issued. Third, when delay in issuing such letters is caused by any appeal from the county court which suspends the proceedings therein, the time of such delay shall not be counted as any part of said three years.

**be a lien against an estate.**

SECTION 2. When any person shall die intestate, seized of an estate of inheritance in any lands in this state, and leaving no personal property in this state which would be proper assets in the hands of an administrator for the payment of debts after six months from the death of such decedent, and in any case in which administration shall not have been granted in this state after three years from the death of such decedent, any heir or grantee of any heirs of such decedent entitled to any interest in such lands, may apply to the county court of the county in which such decedent was last resident, or if such decedent was not an inhabitant of this state, to the county court of any county in which such lands or some part thereof are situated, to determine the descent of such lands.

**Application to determine descent of lands.**

SECTION 3. Such application shall be by a verified petition which shall show as particularly as known or can be with due diligence ascertained: First, the time and place of death, and last place of residence of such decedent, and the other facts which authorize the proceeding, according to the provisions of the last preceding section. Second, the names, residences and relationship to the decedent, of all the heirs and their grantees, entitled to any interest in said lands, stating who, if any, are minors or under legal disabilities, and the names and residences of their guardians, if any, in this state. Third, a description of all such lands.

**What such application shall show.**

[No. 42, A.] [Published April 9, 1881.]

## CHAPTER 288.

AN ACT to regulate the sale of illuminating oils and to repeal chapter two hundred and sixty-nine, of the laws of 1880, entitled, an act to provide for the inspection of illuminating oils manufactured from petroleum or coal oils, and to regulate the sale thereof, and to repeal section four thousand three hundred and fifty nine, of chapter one hundred and eighty-one, revised statutes of 1878.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Appointment of inspectors.**

SECTION 1. Section three of chapter two hundred and sixty-nine of the laws of 1880, is hereby amended by striking out all after the number of said section, and inserting the following in lieu thereof: The state supervisor of inspectors of illuminating oils shall appoint, in accordance with the provisions of this act, inspectors of illuminating oils, who shall examine and test all illuminating oils offered for sale or for use in this state by any person whatsoever, and shall demand and receive all fees in payment for such examining and testing, and who shall be liable to all the penalties hereinafter provided, for any neglect, or for any willful misconduct or malfeasance in the discharge of the duties aforesaid; and the said state supervisor shall have power at any time to remove any inspector, so appointed, upon reasonable notice, or for reasonable cause. And the said supervisor, and all inspectors appointed under the provisions of this act, shall, before entering upon the duties of their respective offices, take an oath or affirmation faithfully to discharge the duties of the same as prescribed by the constitution and laws of this state, and the said supervisor shall execute a bond to the people of the state in the sum of two thousand dollars, conditioned for the faithful performance of all the duties imposed by this act, said bond to be filed in the office of the secretary of state; and every inspector appointed under this act shall execute a bond to the people of this state, in such sum, not exceeding two thousand dollars, as may be fixed in each case by the state supervisor, conditioned as aforesaid, such bond to be filed in the office of the clerk of the county wherein the inspector executing the same shall reside, and a duplicate copy thereof, duly certified by the county clerk, shall be filed in the office of the state supervisor; and all bonds, executed under the provisions of this act, shall be for the use of all persons aggrieved by the acts or neglect of the state supervisor, or of the inspectors re-

**Oath of office and bond.**

spectively executing the same. The sureties on the bond of the state supervisor shall be approved by the secretary of state, and the sureties on the bonds of inspectors, shall be approved by the judge of probate, in the counties in which the inspectors executing the same shall respectively reside: provided, that the said state supervisor shall, on the request of the city council of any city, the board of trustees of any incorporated village, or the board of supervisors of any town, appoint any suitable person whom such council, board of trustees or board of supervisors, shall nominate, inspector of illuminating oils for said city, village, or town, and for such territory adjacent to said city, village, or town, as the said state supervisor shall determine. It shall be the duty of every inspector, appointed under the provisions of this act, to provide at his own cost and expense, all the necessary instruments and apparatus for examining, testing, and branding illuminating oils under the provisions of this act, and promptly to examine or test, when called upon for that purpose, any oils offered for sale, or for use for illuminating purposes; and if, upon such examination or test, such oils shall be found to meet the requirements of this act, he shall affix to the package, cask or barrel containing the same, a brand or device, containing the word "approved," with the date of testing, over his official signature, upon the package, cask or barrel, containing the same, and it shall be lawful for any person to sell the same, as an illuminating oil within this state; but if the oil so tested, shall not meet the aforesaid requirements, he shall brand in plain letters on the package, cask or barrel, containing the same, over his official signature, the words, "rejected for illuminating purposes in the state of Wisconsin," with the date of testing thereof, and it shall be unlawful for the owner thereof to sell such oil for illuminating purposes.

Supervisors of cities and villages.

Duty of inspectors.

SECTION 2. Section five, of chapter two hundred and sixty-nine, of the laws of 1880, is hereby amended by striking out all after the number of said section, and inserting the following in lieu thereof: Any illuminating oil which, on the application of a well lighted taper, or similar flame, will take fire and burn at a temperature below that of one hundred and twenty degrees above the zero point of Fahrenheit's thermometer (120° Fahr.), shall be deemed unfit for illuminating purposes, and the cask, barrel, or other package, containing the same, shall be marked "rejected," as hereinbefore provided.

Test 120° Fah

Tester, and manner of testing.

SECTION 3. Section six of said chapter, is hereby amended by striking out all after the number thereof, and inserting in lieu thereof the following: In all tests of illuminating oils made under this act, the tester heretofore in use in this state may continue to be used, but the cover of the same shall be removed and the oil cup shall be filled to within one-fourth of an inch of the top thereof, or as nearly full as it is practicable to fill it without causing the oil to overflow in making the test, provided that the tester known as the tagliabue open cup, or commercial tester, may be substituted in lieu thereof; and in using the tester, the oil shall not be heated after it has attained the temperature of one hundred degrees Fahrenheit, faster than at the rate of three degrees per minute, and the flame of the lamp shall be so adjusted as that the rise in temperature shall be as near to two degrees per minute as is practicable, and the taper used in making the test shall be such as shall give a clear flame, as nearly uniform in size as is practicable, and the state supervisor shall give such instructions as in his judgment shall be necessary to secure uniformity in the methods of making the tests.

Compensation of inspectors.

SECTION 4. Section seven of said act, is hereby amended by striking out all after the number of said section, and inserting in lieu thereof the following: Every person appointed as an inspector under the provisions of this act, shall be entitled to demand and receive from the owner or other person for whom, or at whose request, he shall examine or test any oil or sample thereof, the sum of ten cents for every single cask, barrel, package or sample of oil he shall test, and the said fees for examining or testing, shall constitute a lien on the oil so inspected: provided, that if the total amount of fees received by all inspectors in every county, in any one year, dating from the day upon which this act shall take effect and be in force, shall, after the payment of the supervisors fees, exceed the sum or two thousand dollars, all sums in excess thereof shall be paid into the hands of the state supervisor of inspectors, and the state supervisor shall disburse the same as follows: First. He shall pay to each inspector, appointed under the provisions of this act, a sum sufficient to increase his compensation to the sum of twenty-five cents upon each package, cask or barrel inspected by him in lots of less than ten barrels, tested at one time, during said yearly term, provided that if there be insufficient funds to pay such increase in full, then the same shall be paid pro rata, as

herein provided, in proportion to the number of barrels inspected. Second. Any sum remaining in the hands of the supervisor, shall be paid pro rata to all inspectors appointed under the provisions of this act, in proportion to the number of barrels by each inspected during said yearly term: provided, that neither the supervisor of inspectors, nor any inspector, shall receive more than three thousand dollars; and the disbursements required in this section shall be made as soon as practicable after the close of each yearly term; any sum then remaining shall be paid into the state treasury, for the benefit of the general fund.

Certain supervisors excepted.

SECTION 5. Section nine of said chapter, is hereby amended by adding thereto the following: provided, the provisions of this section shall not apply to inspectors whose inspections during the term of one year shall not exceed two hundred and fifty barrels.

SECTION 6. Section two of chapter two hundred and sixty-nine, of the laws of 1880, is hereby amended by adding thereto, at the end thereof, the following: And two thousand copies of the same shall be printed by the state printer for the use of the legislature.

SECTION 7. This act shall take effect on the first day of the month following its passage and publication.

Approved April 27, 1881.

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[No. 376, A.] [Published April 8, 1881.]

## CHAPTER 289.

**AN ACT to amend section one, chapter three hundred and twenty-one of the general laws of 1880, entitled an act for the protection of brook trout in the state of Wisconsin.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Unlawful to take trout.

SECTION 1. Any person who shall catch or take, or attempt to do so, from any stream, lake or other waters in this state, any brook trout, by any device or means whatsoever, between the fifteenth day of August and the succeeding fifteenth day of May in any year, or who shall catch or take, or attempt so to do, from any such stream, lake or other waters, at any time, by any device or means other than hook and line or angling, or who shall have any brook trout in his possession or custody, taken by any means or device, except hook and line or angling, or between the fifteenth day of August and the succeeding fifteenth day of May in any year, shall be punished by fine not less than five

Penalty for violation.

dollars nor more than one hundred dollars, together with costs of prosecution, for every such offense, and shall be imprisoned in the county jail until such fine and costs are paid.

Ashland, Bayfield and Douglas counties excepted.

SECTION 2. This act shall not apply to the counties of Ashland, Bayfield and Douglas, but in the aforesaid counties it shall be lawful to catch brook trout, with hook and line, between the first day of April and the fifteenth day of September.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1881.

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[No. 331, A.] [Published April 6, 1881.]

## CHAPTER 290.

AN ACT authorizing the commissioners of public lands to have certain lands in Grant county escheated to the state of Wisconsin, re-appraised and offered for sale.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Authority of commissioners.

SECTION 1. The commissioners of the public lands are hereby authorized and empowered to have certain lands escheated to the state of Wisconsin in section thirty-two (32), town one (1), north of range two (2), west, in Grant county, re-appraised and offered for sale, pursuant to law.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1881.

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[No. 279, A.] [Published April 7, 1881.]

## CHAPTER 291.

AN ACT to enable Caleb M. Hilliard and Profirus N. Tuttle to run and maintain a ferry across the Mississippi from the village of De Soto, Wisconsin, to the city of Lansing, Iowa.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Location of ferry.

SECTION 1. Caleb M. Hilliard and Profirus N. Tuttle, their heirs and assigns, shall have the exclusive right and privilege for the term of ten years, from January 1, 1881, of keeping and maintaining a ferry across the Mississippi river, where the county line between the counties of Vernon and Crawford strikes the said river, it being in the village of De Soto, and for one

mile north and five miles south, up and down said river, and from thence to the city of Lansing, in the state of Iowa.

Good and sufficient boats to be provided.

SECTION 2. The said Caleb M. Hilliard and Profirus N. Tuttle, their associates, heirs and assigns, shall, on or before the fifteenth day of April, A. D. 1881, place and maintain at the aforesaid place, such good and sufficient boat or boats, as may be necessary to transport across said river, all teams, horses, cattle, or other property, and for the accommodation of foot passengers, and shall give ready and prompt attendance on passengers or teams, on all occasions; but persons may be ferried across said river at night and charged double the fare hereinafter prescribed.

Landing of boats.

SECTION 3. The said Caleb M. Hilliard and Profirus N. Tuttle, may land their boats, passengers and property, on any public highway which does now, or may hereafter, terminate within the points above specified, or on the lands of any person or persons owning the same, they having first obtained permission of such owner so to do.

Bond.

SECTION 4. The said Caleb M. Hilliard and Profirus N. Tuttle, their associates and assigns, shall, on or before the first day of May, A. D. 1881, file or cause to be filed in the office of the clerk of the county board of supervisors of Vernon county, Wisconsin, a bond to the said board, with two or more approved sureties, in the penal sum of one thousand dollars, conditioned that they will fulfill all the duties imposed upon them by the passage of this act; and in the event of their failing to comply with the terms of this act, they shall forfeit all the benefits that might accrue to them from its passage.

Penalty for neglect to keep good and sufficient boats.

SECTION 5. That if said Caleb M. Hilliard and Profirus N. Tuttle neglect to keep good and sufficient boats, or fail to give due attention to all parties wishing to cross at said ferry, they shall forfeit the sum of five dollars, to be recovered for the use of the school fund, in a civil action before any justice of the peace having competent jurisdiction, and shall be further liable for damages resulting from willful neglect of the aforesaid corporation to fulfill the duties imposed upon them by this act, or any workmen in their employ.

Maximum rates

SECTION 6. The maximum rates charged for crossing at said ferry shall be, except those demanding to cross between the hours of six P. M. and eight A. M., when double such rates may be charged: For each horse or mule, with or without rider, fifty cents; for

receive no compensation.

city, any compensation for services rendered as such mayor or aldermen, or committee appointed by such mayor or aldermen: provided, further, that the mayor and aldermen may grant license for the sale of liquors; the fee for license shall be seventy-five dollars, and no more nor no less.

Liquor licenses.

Special taxes.

SECTION 3. Section four of subchapter ten of said chapter one hundred and sixty-two, is hereby amended so as to read as follows: Section 4. Special taxes may be levied by the common council, at any regular meeting, for the purpose of paying the principal on any certificates of indebtedness heretofore issued by the city of New London for the trust funds of this state, or of any bonds or certificates of indebtedness hereafter issued by said city under authority of law: provided, however, no greater tax shall in any one year be levied, greater than five per centum on the assessed valuation of said city, for all purposes whatever; said taxes when so levied shall be collectable at the same time and in the same manner as other city taxes are collected.

Application for warrant.

SECTION 4. Section six of subchapter twelve of said chapter one hundred and sixty-two, is hereby amended so as to read as follows: Section 6. In all cases when application is made for a warrant, the complaint shall be on oath, and no other affidavit shall be necessary, and such complaint may be substantially in the following form: The city of New London against A. B.—ss. In justice's court. Before C. D., justice. Counties of Waupaca and Outagamie—ss: E. F., being duly sworn, complains on oath to C. D., a justice of the peace in and for the city of New London, in said counties, that A. B., on the —— day of ——, A. D. 18—, at said city, did violate section —— of chapter —— of this act (or section —— of an ordinance, by-law, or regulation of said city, describing it by its title or number), which said —— is now in force, as this complainant verily believes, and prays that the said A. B. may be arrested and held to answer to said city of New London therefor. Sworn and subscribed to before me this —— day of——, 18—. It shall be sufficient to give the number of the section and chapter of this act, or the section and number of the ordinance, by-law or regulation violated, or the particular part thereof, in the foregoing form of complaint, and such complaint may be sworn to before any officer authorized to administer oaths. Upon the filing of such complaint with the justice of the peace,

Form of complaint.

he shall issue a warrant substantially in the following form: Counties of Waupaca and Outagamie, City of New London — ss: The state of Wisconsin to the sheriff or any constable of said counties, and to the chief of police of the city of New London, greeting: Whereas, —— has this day complained to me in writing, on oath, that A. B., on the —— day of ——, 18—, at said city, did violate (here insert the charge in the complaint), which said —— is now in full force, as the complainant believes; therefore you are commanded to arrest the body of said A. B., and bring him forthwith before me to answer to the city of New London, on the complaint aforesaid. Given under my hand, this —— day of ——, 18—. C. D., justice of the peace. Upon the return of the warrant, with the accused, the justice may proceed summarily with the case, unless it be adjourned by consent or for cause. If the case be adjourned, the defendant, if required by the court so to do, shall recognize, with security, to be approved by the court, for his or her appearance, in such sum as the court shall direct, or in default thereof may be put in charge of the officer who made the arrest, or be committed to the watch-house or lock-up of said city. The complaint, as aforesaid, shall be the only complaint required, and the answer or plea of "not guilty" shall put in issue all subject matter embraced in the action.

Form of warrant.

SECTION 5. Section seven of said subchapter twelve, is hereby amended so as to read as follows: Section 7. A printed copy of an ordinance, by-law or regulation, passed by the common council, and published in a newspaper, or pamphlet or book form, and purporting to be published by authority of the common council, or a copy of such ordinance certified by the clerk of said city, shall be prima facie evidence of its passage and publication, and shall be received in evidence on the trial of all cases cognizable before any courts of this state, provided, that it shall not be necessary on the trial of any cause before the justice of the peace elected by said city at large, or before any justice duly designated to act in his stead, to offer any such copy in evidence, but such justice shall take judicial notice of the passage and publication of all such ordinances, by-laws and regulations.

Ordinances, by-laws and regulations.

SECTION 6. Section nine of said subchapter twelve is hereby amended so as to read as follows: Section 9. In city prosecutions the findings of the court or jury shall be either "guilty," or "not guilty." If guilty,

Findings of court or jury.

the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture prescribed in this act, or in the ordinance, by-law or regulation, for the violation of which the person or persons shall have been adjudged guilty, and for costs of suit; but if not guilty, the costs of suit shall be taxed against the city. Upon the rendition of judgment against the defendant, and the non-payment thereof, the justice may at any time thereafter, within six years, issue execution as in cases of tort, when action was commenced by summons, and in case the action was commenced by warrant, the justice shall forthwith issue a commitment, and the said justice shall in either case determine and enter upon his docket the length of time the defendant shall be imprisoned either with or without labor, for non-payment of such judgment, which imprisonment or labor shall in no case exceed six months. The said justice shall also insert such time in the execution or commitment. Such execution may be in the following form: Counties of Waupaca and Outagamie, city of New London—ss: The state of Wisconsin to the sheriff or any constable of said counties, or to the chief of police of said city, and to the keeper of the watch-house or lock-up of said city, greeting: Whereas, the said city of New London, on the —— day of ——, 18–, recovered a judgment before the undersigned, one of the justices of the peace in and for said city, against —— for the sum of —— dollars, together with —— dollars and —— cents, costs of suit, for the violation of (here insert the charge made in the complaint of which the defendant was convicted): You are hereby commanded to levy by distress of the goods and chattels of the said ——, excepting such as the law exempts, and make sale of the same according to law, to the amount of said sums, together with your fees, and twenty-five cents for this writ, and the same return to me in thirty days; and for want of such goods and chattles whereon to levy, to take the body of the said ——, and convey him to the keeper of the watch-house or lock-up of said city; and said keeper is hereby commanded to receive and keep in his custody in said watch-house or lock-up (or to keep him in custody at hard labor upon any of the streets or property of said city, as the case may be), the said ——, for the term of ——, unless the said judgment, together with all the costs and fees, are sooner paid, or the said —— be discharged by due course of law. Given under my hand, this —— day of ——, 18 . C. D., justice of the peace. The form of the

Form of execution.

commitment shall be substantially the same as that of the execution, omitting all that relates to a levy and sale and return of the writ.

Authority of chief of police.

SECTION 7. Said subchapter twelve is hereby amended by adding thereto another section, to be known as section twenty-one, as follows: Section 21. The chief of police of said city shall, by virtue of his office, be keeper of the watch-house or lock-up, or place for the confinement of all offenders under the provisions of this charter, or of the ordinances, by-laws or regulations enacted by the common council of the city, and it shall be lawful for, and the said chief of police and his deputies are hereby authorized to use, all able-bodied male persons committed to said watch-house or lock-up for the non-payment of any fine with costs of prosecution, in performing labor upon the public streets and sidewalks, or other public works of the city, under the direction and in the custody of any street commissioner or commissioners of said city, who are hereby made special deputies for the purpose of having the care and control of such prisoner or prisoners during the time of his or their absence from the lock-up for the performance of such labor; and every such prisoner performing such labor, shall be allowed at the rate of one dollar per day for each day's work done by him, and upon working out the amount of his fine and costs, including his board at a reasonable rate, he shall be discharged.

Approved April 2, 1881.

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[No. 189, A.] [Published April 6, 1881.]

## CHAPTER 294.

AN ACT to amend sections nine and ten of subchapter five of chapter one hundred and eighty-four of the laws of 1874, entitled an act to revise, consolidate and amend the charter of the city of Milwaukee, approved February 20, 1853, and the several acts amendatory thereof, approved March 10, 1874.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Proposals, how made and secured.

SECTION 1. Section nine of subchapter five of chapter one hundred and eighty-four of the laws of 1874, is hereby amended by inserting after the word "affidavit" in said section, as follows: "that he is the owner of real estate in the county of Milwaukee, free from incumbrance and subject to execution, of a cash value equal to the penalty of said bond," and also by

striking out the word "city" where it occurs in said section after the words "property in said," and inserting in lieu thereof the word "county;" and also by adding at the end of said section nine the following: "provided, that no bond shall be required of any bidder who, at the time he offers his bid or proposal as aforesaid, shall deposit with the board of public works a sum of money equal to fifteen per cent. of the penalty required for such bond, under an agreement that the same shall be returned to such bidder in case the contract for the work bid for is not awarded to such bidder, or in case he makes no default in the execution of the contract with satisfactory sureties, in case it is awarded to such bidder, and that in case the contract is so awarded and he shall fail to execute a contract with satisfactory sureties to perform the work specified, for the price named in his bid, within a reasonable time after such contract is prepared and ready for execution, then said sum of money shall become the property of said city, as fixed and liquidated damages for such default, and shall be paid by said board to the city treasurer."

When no bond is required.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1881.

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[No. 187, A.] [Published April 13, 1881.]

## CHAPTER 295.

AN ACT relating to the Superior boom company, and amendatory of chapter twenty-four of the private and local laws of 1870, as amended by chapter three hundred and seventeen of the laws of 1880.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Location of improvements.

SECTION 1. Section four of chapter twenty-four of the private and local laws of 1870, as amended by section one of chapter three hundred and seventeen, of the laws of 1880, is hereby altered and amended so as to read as follows: Section 4. The said company is hereby authorized and empowered to construct, maintain and keep in repair, such boom or booms across the Nemadji river, or near the mouth thereof, or in Allouèz Bay, at such places as it shall deem necessary and convenient in township forty-nine (49), north of range thirteen (13) west, in Douglas county, for the purpose of receiving, holding, sorting, and

handling therein all logs, timber and lumber coming and running down said Nemadji river, and all stray logs that may run or come within said township forty-nine (49), or range thirteen (13): provided that such booms or works, shall not materially obstruct or impede navigation, and shall always be, and remain subject to the improvement of navigation by dredging and maintaining channels and basins in the bays of Superior or Allouez, or in the Nemadji river, for the purposes of commerce, and said booms and works, shall not be constructed or maintained in the bay of Superior, or in that part of the Nemadji river lying within said township between any dock or wharf line now established, or to be hereafter established in said waters, and the channel or thread of the stream, nor shall the right of any owner of any pier, dock, wharf or shore on said bay of Superior or Nemadji river, to have free communication by water for all craft between his pier, dock, wharf or shore, and the general line, course and thoroughfare of navigation in Superior bay or Nemadji river, be in any manner obstructed or interfered with by said works, without such owner's consent: provided further, that said booms and works shall not be constructed or maintained in the said Superior bay or Nemadji river, in said township, except upon or in front of lands owned by said corporation, acquired by voluntary conveyance, or in front of which said corporation shall have acquired by voluntary act of the owner or owners of the land, the right, privilege or authority to construct or maintain such works, and the Superior boom company is hereby authorized and empowered to improve the navigation of the Nemadji river and Allouez bay, by cutting and excavating a canal of sufficient width between said river and bay, and by deepening the waters thereof so as to facilitate and render more practicable the driving, booming and handling of said logs, timber and lumber: provided that said canal shall be so cut and constructed as to prevent any change in the main channel of the said river as the same now exists, below the point where said canal shall be so constructed.

**Works not to obstruct navigation.**

**Improvements to be in front of lands owned by corporation.**

SECTION 2. Section five of said chapter twenty-four of the laws of 1870, as amended by section two of said chapter three hundred and seventeen, is hereby amended so as to read as follows: Section 5. The directors of said company shall have the control and direction of the assorting, rafting and delivery of all logs or timber re-

**Rates of boomage or toll.**

ceived in said booms, and may make and maintain reasonable rules, regulations and by-laws, not inconsistent with the laws of this state, to carry out and enforce the same. Said company is hereby authorized to demand receive and collect, as boomage or toll, such sum as may be determined upon by its board of directors, not exceeding fifty cents per thousand feet of logs or timber turned out, assorted, rafted or made ready for delivery in or from said boom or booms. Such compensation to be exclusive of rafting timbers and fastenings. Whenever any logs or timber shall have come into said booms, the aforesaid company shall without unnecessary delay, proceed to turn out and make the same ready for delivery to the owners thereof.

**Costs and expenses to be a lien on logs, etc.**

SECTION 3. Section six, of said chapter twenty-four, as amended by section three of said chapter three hundred and seventeen, is hereby amended so as to read as follows: Section 6. The said company shall for all such tolls, costs and expenses herein provided, have a lien on the logs or timber for which the same were incurred, and may seize in whosesoever possession found, and hold, a sufficient quantity thereof to pay the same, and make sale thereof to satisfy such indebtedness, upon giving twenty days' notice in the manner provided for notifying sales on executions by section two thousand nine hundred and ninety-one of the revised statutes, provided said lien may be enforced, as other liens on logs, timber and lumber are enforced, by and in pursuance of any provision of law. All logs coming into said boom or booms and remaining unclaimed by the owner or owners thereof for thirty days after the same have been made ready for delivery as aforesaid, may be sold at any time by said corporation, to the highest bidder at public sale, of which notice shall be given as above required in case of sale of personal property on execution. Said company, by its agent or proper officer, may in good faith bid upon and purchase any such logs or timber, so to be sold as aforesaid, after deducting all lawful charges and reasonable expenses; the balance of the proceeds of any sale herein provided for, shall be held by said company subject to the order of the owner or owners of the property so sold.

**Penalty for damage.**

SECTION 4. Section seven of said chapter twenty-four, as amended by section four of said chapter three hundred and seventeen, is hereby amended so as to read as follows: Section 7. Any person who shall willfully open, break, damage or destroy said booms or works, lawfully erected and existing, or any part

thereof, shall be liable to the company in a civil action for the amount of damage done, in addition to the penalties provided by law, to be recovered before any court of competent jurisdiction.

SECTION 5. So much of said chapter twenty-four of the private and local laws of 1870, entitled an act to incorporate the Superior boom company, and so much of said chapter three hundred and seventeen of the general laws of 1880, entitled an act to amend chapter twenty-four of the general laws of 1870, entitled an act to incorporate the Superior boom company, as apply to township forty-eight of range fifteen and township forty-nine of ranges fourteen and fifteen, west, in Douglas county, Wisconsin, are hereby reapealed. **Repealed.**

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1881.

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[No. 175, A.] [Published April 7, 1881.]

## CHAPTER 296.

**AN ACT in relation to fishways, and amendatory of chapter two hundred and forty-eight of the general laws of the state of Wisconsin for the year 1880, entitled an act to compel the owners, proprietors and occupants of dams in the counties of Iowa and La Fayette to construct and maintain fishways.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Amend section one of chapter two hundred and forty-eight of the general laws of the state of Wisconsin for the year 1880, entitled an act to compel the owners, proprietors and occupants of dams in the counties of Iowa and La Fayette, to construct and maintain fishways, by adding at the end of said section one the following, to-wit: provided, that all the provisions of this section shall apply to all dams across any stream in the counties of Crawford and Vernon. **Law to apply to Crawford and Vernon counties.**

SECTION 2. Amend section two of said chapter two hundred and forty-eight, by adding at the end thereof the following, to-wit: provided that all the provisions of this section in relation to placing a weir dam, fish weir, or weir net, across any race, drain, or stream or river in this section mentioned, shall apply to the counties of Crawford and Vernon. **Same.**

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1881.

[No. 166, A.] [Published April 13, 1881.]

## CHAPTER 297.

AN ACT to amend section two thousand three hundred and fifty-six of the revised statutes, relating to divorce from the bond of matrimony.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Causes of divorce from bonds of matrimony.

SECTION 1. Section two thousand three hundred and fifty-six of the revised statutes, is hereby amended by adding thereto at the end thereof, as the same now reads, the following: 8. When the husband or wife shall have been insane for the space of five years immediately preceding the commencement of the action, and the court shall be satisfied that such insanity is incurable.

When application shall not be granted.

SECTION 2. No divorce shall be granted for the causes specified in section one of this act, unless the plaintiff in such action for divorce shall have been a resident of this state for five years immediately preceding the commencement of such action, nor unless it shall appear affirmatively that the plaintiff has not, by reason of neglect, abuse or otherwise, contributed in any manner to the cause of such insanity, nor unless such incurable insanity shall clearly be ascertained, by the said husband or wife being an inmate of a state insane hospital or asylum for at least two years, or shall have been discharged from such hospital or asylum after such residence therein, as incurable; nor unless it shall be clearly established by the testimony of at least two practicing physicians in good standing, who are informed of the facts and are competent to testify as to the mental condition of the defendant in the action: provided, that when such alleged insane husband or wife is an inmate of such asylum or hospital for the insane, the testimony of the superintendent thereof may be in lieu of that of one of such practicing physicians. Provided further, that the court in which such action is pending, may, at any stage thereof before final judgment, in addition to the proof hereinbefore specified, appoint a commission of not less than two respectable practicing physicians, to be selected by the court on account of their learning and fitness for this duty, who shall carefully examine such alleged incurable insane person, and report, under oath, to the court, their opinion respecting the incurability of such alleged insane person, and such report shall be and become part of the record in the cause,

Court may appoint commission.

and the court shall, upon the reception of such report, give such weight thereto as may seem right and proper.

SECTION 3. In every action for divorce, in pursuance of the provisions of this act, the court may, at any time after rendering judgment therein, revise and alter such judgment, so far as the custody, support and maintenance of said insane person is concerned, and may provide for such maintenance by said plaintiff, out of any property or earning acquired by said plaintiff subsequently as well as previously to said decree of divorce; and the court, making such order for maintenance may, in its discretion, require the plaintiff to give security, to the satisfaction of the court, for the faithful execution of the same, and the court may, in its discretion, as a condition of granting such divorce, require the husband, when he is the plaintiff in such case, to give a bond, in such penal sum and with such sureties, as the court may order, to support and maintain the defendant during her natural life. **Court may reverse or alter judgment.**

SECTION 4. In all actions for divorce under the provisions of this act, the summons and complaint shall first be filed in the circuit court of the county in which such action is brought, and shall then be personally served upon the defendant in the action, if within the United States, and if such defendant be an inmate of any such asylum, hospital, or other institution for the care, custody or improvement of insane persons, situate within the United States, a copy of such summons and complaint, shall be served upon the proprietor, manager or superintendent thereof, and if such insane person have a parent or parents, or adult children, living within the United States, a copy of such summons and complaint shall also be personally served upon each such parent or adult child whose residence is known, or can with reasonable diligence be ascertained; and if such alleged insane person shall have no parents or adult child living within the United States, whose residence is known or can with reasonable diligence be ascertained, and shall have any kindred living within the United States, within the fourth degree, computed according to the rules of the civil law, whose residence is known, or can with reasonable diligence be ascertained, then a copy of such summons and complaint shall be served upon at least two such relatives, to be selected by the court, upon a representation of the facts to such court or the presiding judge thereof at chambers, as most likely to see that a proper defense is made by or in behalf of said defend- **Summons and complaint.**

ant; and in each and every case where service is required to be made on any person or persons, the summons and complaint shall be personally delivered to each and every person hereinbefore required to be served with the same, wherever such person may be found, and proof of such service may be made by affidavit taken before any notary public, who shall attach thereto his official seal, or before a commissioner of Wisconsin, or a clerk of a court of record: provided, that when any such person so served resides out of the state of Wisconsin, no default shall be taken or proceedings had on the case until forty days after such service.

Court shall appoint guardian.

SECTION 5. In every case under this act the court shall appoint a guardian ad libitum, who shall be a respectable and competent attorney of such court, not interested in the said cause on the part of the plaintiff, who shall appear for the said defendant, and diligently protect and care for the rights and interests of said defendant in such cause, and for such service shall be paid such compensation as the court shall deem reasonable, the same to be taxed against and paid by the plaintiff. In case any appearance is made in such cause, by or on behalf of the defendant by any parent, child or relation, such guardian shall be selected and appointed by the court upon due personal notice to such person so appearing, of not less than ten days, and when there shall be no such appearance, such guardian shall be selected by the court from the attorneys thereof, in the manner and for the purposes aforesaid: provided, however, that such guardian shall not be liable for costs in any such action.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1881.

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[No. 185, S.] [Published April 7, 1881.]

## CHAPTER 298.

AN ACT relating to the charitable, reformatory and penal institutions of Wisconsin, and to provide for the more efficient supervision and management thereof, and to repeal certain provisions of law relating thereto.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Boards abolished.

SECTION 1. The board of trustees of the Wisconsin state hospital for the insane, the board of trustees of the northern hospital for the insane, the board of di-

rectors of the Wisconsin state prison, the board of managers of the Wisconsin industrial school for boys, the board of trustees of the Wisconsin institution for the education of the blind, and the board of trustees of the Wisconsin institution for the education of the deaf and dumb, as now constituted and appointed, are hereby abolished, and said boards shall go out of office and cease to discharge their respective duties, sixty days after the passage and publication of this act.

Governor to appoint state board of supervision.

SECTION 2. The governor, by and with the advice and consent of the senate, shall appoint five persons, citizens of Wisconsin, no two of whom shall be residents of the same congressional district, a "state board of supervision of Wisconsin charitable, reformatory and penal institutions," who shall be a body corporate, under and by said name, and shall have and possess all the powers, and may exercise all the functions of the several boards abolished by section one of this act. Said board shall devote its entire time and attention to its duties, as provided in this act.

Organization of board.

SECTION 3. Said board shall meet and organize within sixty days from the passage and publication of this act, and shall enter upon the discharge of its duties at the expiration of said sixty days. Each member of said board, before entering upon the discharge of his duties, shall take and subscribe an oath to support the constitution of the United States, the constitution of the state of Wisconsin, and honestly and faithfully to discharge his duties as a member of said board to the best of his ability, which oath shall be filed in the office of the secretary of state.

Terms of office.

SECTION 4. The members of said board shall hold office for the term of five years, except that the members first appointed shall go out of office, one in one, one in two, one in three, one in four and one in five years from the date of appointment, the member to go out to be determined by lot. Appointments to fill vacancies occasioned by death, resignation or removal, shall be for the unexpired term. Upon the expiration of any regular term, or the occurring of any vacancy, the governor shall appoint in like manner as above.

Office of board.

SECTION 5. Said board shall be provided with a room in the capitol building at Madison, as its office, and shall hold thereat regular meetings for the transaction of business, at least once in each month; the board shall be furnished with all necessary furniture and stationery by the superintendent of public property, and also all necessary blanks, blank books and printing, by the commissioners of public printing.

the blind, and the institution for the education of the deaf and dumb, and the industrial school for boys, for each, a superintendent, a steward, a treasurer, and all necessary teachers; and for the state prison, a warden, a steward and a treasurer, who shall be the officers of said institutions respectively, and whose duties shall be fixed by said board, except as herein otherwise provided. 11. To maintain and govern the school, prescribe the course of study, and provide the necessary apparatus and means of instruction for the institution for the education of the blind, and for the institution for the education of the deaf and dumb. 12. To prescribe and collect such charges as it may think just, for tuition and maintenance of pupils not entitled to the same, free of charge, in the institution for the education of the blind and in the institution for the education of the deaf and dumb. 13. To fix the period of the academic year, not less than forty weeks, and prescribe the school terms in the institution for the education of the blind, and in the institution for the education of the deaf and dumb. 14. To confer, in its discretion, upon meritorious pupils, such academic and literary degrees as are usually conferred by similar institutions, and grant diplomas accordingly, in the institution for the education of the blind, and in the institution for the education of the deaf and dumb.

Blind, deaf and dumb.

Charges for tuition.

Academic year.

Literary degrees.

Secretary of board.

SECTION 10. Said board may employ a secretary, who shall be a competent and experienced book-keeper, and such assistant book-keeper or clerks, as may be necessary. The secretary shall keep the books, records and accounts of the board, under such rules and regulations as the board may prescribe. He shall keep a clear, distinct and separate book account with all the several departments of the several institutions, including all items purchased or sold on account thereof, and the products thereof, with an estimate of the value of all such products, in such manner as to always show the relative cost and expenditure on account of each such department, and the income thereof, and in case the income or profits of any one department shall be made to contribute to the income or support of any other department of any such institution, the same shall be made to appear upon the books of such board.

Salarie

SECTION 11. The salaries of the officers of the said institutions, not now fixed by law, shall be prescribed by the board, which in no case shall exceed twenty-five hundred dollars per annum, except that the several treasurers aforesaid shall receive no salary. The sev-

eral stewards and treasurers aforesaid, before entering upon the discharge of their duties, shall execute sufficient bonds, to the state of Wisconsin, to be filed with the secretary of state, in such penal sum, and with such sureties, as the board may prescribe, conditioned for the faithful performance of their duties, and the faithful accounting for all moneys, or other property which may come to their hands, respectively, as such officers.

Duty of steward.

SECTION 12. The steward of each institution shall be the local business manager and purchasing agent of such institution, subject to the direction and the rules and regulations of the board. Under the direction of the board, and within the limits of the monthly estimates made by the board, he shall purchase all materials and supplies required to be purchased for the institution to which he belongs. He shall have the immediate charge of all books, accounts, papers and records relating to the financial management of the institution to which he belongs, and shall keep detailed accounts of all receipts and expenditures pertaining to the same. He shall be responsible for the safe keeping and economical use of all stores and supplies purchased for such institution. For all articles purchased he shall require bills. On the receipt of goods purchased, he shall carefully compare the articles received, with the bills, and shall see that they are correct, as to quality, quantity and amount charged therefor, and to every bill thus examined, he shall attach a certificate, setting forth the fact that he has made such examination, and that he has examined the extensions and footings, and that the bill is in all respects just and correct. All said bills shall be laid before the board at its next meeting, for allowance, and no bill or account shall be audited by the board, or appropriation made therefor, which shall not first be so certified and presented. All materials and supplies shall be purchased at the lowest practicable price, and when economy of expenditure can be promoted thereby, such materials and supplies shall be purchased in quantity, or of the lowest bidder, in bulk, for all of said institutions, by the stewards of such institutions, and under such regulations as the board may direct.

Monthly estimates of institutions.

SECTION 13. The board, once in each month, with the assistance of such of the officers of the several institutions as it may require, shall prepare an estimate for each institution, of the expenditures necessary to be made during the month next ensuing, and such estimate shall be made out in detail and certified, and

filed with the secretary of the board, and a duplicate with the steward of each institution, respectively, and no member of said board, and no officer of either of said institutions, shall incur any liability without such estimate being first made. Said board shall also fix a regular time, as often as once in each month, for the auditing, and also for the issue of its warrants, for the payment of all accounts and charges against each of said institutions.

Payment of accounts.

SECTION. 14. No accounts for purchases made shall be paid until the same shall have been audited by the board, and an appropriation made therefor; and all such accounts, when so audited and appropriated, shall be paid by an order or warrant on the treasurer of the institution for which the same has been appropriated, signed by the secretary and by the president of the board; and stubs of all such orders or warrants issued, shall be preserved in the office of the board. All accounts so paid shall be receipted by the payee, and filed in the office of the board, and no money, for any purpose, shall be drawn from the treasurer, except upon such order or warrant of the board, and in the manner in this section prescribed: provided, however, that said board, in its discretion, may draw upon the treasurer of each institution each month, and deliver and charge to the steward, a sum not exceeding one hundred dollars in any one month, which sum may be used by said steward, under the direction of the board, for necessary and contingent expenditures not previously estimated; and all amounts so paid by the steward from said sum so drawn, shall be reported to the board at its ensuing meeting, with the purposes for which the same was expended, and when so reported and allowed by the board, the same shall be credited to the steward: provided further, that the aggregate amount due and payable monthly to the officers and employes of either institution, may be drawn from the treasurer of said institution, on the order of said board, monthly, in one sum, and made payable to the steward of said institution, who shall disburse the same in amounts corresponding with the respective amounts entered on the monthly pay roll previously approved by the board, filing full receipts for all amounts so paid.

Duty of secretary of state.

SECTION 15. Whenever any estimate has been made for either of said institutions as provided in section thirteen of this act, the secretary of state shall draw his warrant upon the state treasurer for the amount of money so estimated to be required for dis-

bursement during the ensuing month, in favor of the treasurer of each such institution, and such order shall be paid by such state treasurer to the treasurer of such institution.

Moneys for use of inmates to be strictly accounted for.

SECTION 16. All moneys paid to any officer of either of said institutions for the benefit of any inmate thereof, shall be paid or transmitted to the steward of such institution, who shall enter the same upon the books of the institution, to the credit of the person or persons for whose benefit the same was designed, and report the same to the board at its next regular meeting; and all such moneys so paid, shall be deposited with the treasurer of such institution, and paid out only under the direction and with the advice and approval of the superintendent or warden of such institution, for the benefit of the parties for whom the same was designed, in the same manner that other moneys are paid by said board. And all property contributed or donated for the benefit of any inmate of either of said institutions, shall be received by the superintendent or warden, and the amount and estimated value thereof be reported to the board at the next regular meeting thereof, and the secretary shall keep a record of all such property and of the disposition made of the same.

Duty and authority of superintendents of hospitals.

SECTION 17. The superintendent of each hospital, under the direction of the board, shall have immediate supervision of the interior administration of the hospital in which he is employed, and he shall be personally responsible for the sanitary condition, care, health and treatment of the inmates thereof. He shall cause to be kept for the hospital, a daily record of each inmate. At as early a day in the month of June next, as may be practicable, he shall report to the board the name, age and place of residence of each inmate, upon such day, together with a brief statement as to the special form of insanity and physical condition of each of said inmates, and such other facts of value relating thereto as may be known to him. He shall also state, in said report, the name and place of residence of the guardian of each inmate, or of the person or county chargeable for his or her support. And he shall thereafter, on the first Monday of each month, report to the board such information as the board may require, with: 1. The name, age, place of residence and date of admission of each person admitted as an inmate to the hospital, during the next preceding month, with a brief statement of his or her mental and physical condition

and form of insanity, and with the name and place of residence of the guardian or person chargeable for the support of such inmate. 2. The name, age and residence of each inmate discharged or removed, during each month, the condition of such inmate when so discharged or removed, the reason for such discharge or removal, and the place, if any, to which such inmate was sent or taken. 3. The name, age and residence of any inmate dying during the preceding month, the immediate cause of death, and the disposition made of the body. 4. A statement of any unusual restraint or confinement to which any inmate was subjected, during such month, and of the necessity therefor. 5. The name and particular service of each person discharged from service in such hospital, or quitting such service during such month, with the reasons therefor and the date thereof.

Monthly report of institutions.

SECTION 18. Each of the institutions herein committed to the charge of the said board, shall, by its proper officer, make monthly reports to such board, giving detailed and itemized accounts of all receipts and disbursements, and also showing the daily number of inmates, officers, teachers, servants and employes in each, and the wages paid to each such officer, teacher servant or employe, and also an annual report on the first day of October in each year, giving a summarized statement of the management of each of said institutions, in every department, for the preceding fiscal year ending on the thirtieth day of September.

Visiting committee.

SECTION 19. The board may, from time to time, appoint, for each institution, a visiting committee of not more than three persons, to visit and inspect the interior management of one or all of said institutions; and such committee shall have access to all parts of either of said institutions, and to all the inmates thereof; it may visit, inquire into and examine as to the condition and management thereof, and shall make a full report in writing to the president of the board, of the result of such inquiry and examination. Each member of such committee shall be allowed his or her necessary and actual expenses in making such visit, and the same shall be paid as other bills against said institutions are paid. The governor shall, also, after each election of members of the legislature, and before the first of December following, appoint a visiting committee of three: one from the members of the senate elect, and two from the members of the assembly elect, who shall visit each of the institutions above

named, before the assembling of the legislature, who shall have the same powers, perform the same duties, and be paid the same compensation, as is provided by the preceding terms of this section.

Annual report of board.

SECTION 20. On or before the first day of December in each year, the board shall make a report to the governor, for the preceding fiscal year. Such report shall show the kind and estimated value of all the property of each institution at the commencement of such year; the kind and cost of all permanent additions and improvements during such year; the receipts of money during such year, from all public sources; the receipts of money or property from all private sources for the benefit of inmates, and the disposition thereof; the amount and estimated value of all products of the farm, shop, and other sources of support and supply in the charge of said board, for each institution, and the cost and application thereof respectively; the number of inmates of each institution at the commencement and at the close of each such year, with the average number maintained in each institution during such year, with the average weekly cost of such maintenance for each such inmate, such cost to be based upon the total amount appropriated by the board for the support of each institution during such year, including all appropriations by the board for subsistence and repairs or renewals of property, together with the net value of all the products of the farm and garden, and the net value of all labor expended in the care and repair of the property of each institution, but not including the cost of permanent additions to property, or private contributions for inmates; and such report shall contain such further facts, relating to the financial condition of each said institutions, as said board may deem necessary for the information of the legislature, together with an estimate of expenses for the ensuing year. Such report shall be accompanied by such parts of the report of the superintendent and steward of each of the two insane asylums, the report of the warden and steward of the state prison, the report of the superintendent and steward of the institution for the education of the blind, the report of the superintendent and steward of the institution for the education of the deaf and dumb, and the report of the superintendent and steward of the industrial school for boys, as said board shall deem proper to lay before the governor; and the reports now provided by law to be submitted by the said several institutions, or by the officers thereof, to the governor, are hereby abolished.

Board to file statement containing list of names of inmates of each institution.

SECTION 21. On the twentieth day of October in each year, the board shall file with the secretary of state, a certified statement attested by the president and secretary of the board, setting forth the name of every inmate in either of the two hospitals, or in the industrial school for boys, at any time during the fiscal year ending on the thirtieth of September next preceding, for whose support, either in whole or in part, any county in the state is legally chargeable, the length of time for which such support is charged, and the amount due such hospital or industrial school from such county, for the support of such inmate, stating separately, the amount due for board and the amount due for clothing. The secretary of state shall, upon the receipt of such certified statement, charge to the respective counties, the amount so due such hospital or industrial school from such counties, which amount shall be a special charge upon said counties respectively, and shall be certified, levied and collected with the state tax, and paid into the state treasury therewith. On the first day of January in each year, the secretary of state shall pass said amount to the credit of the proper hospital or industrial school, for the use, maintenance and support of such hospital or industrial school, as provided by law. The board shall, at the time it is required to file such certified statement with the secretary of state, send by mail to the county clerk of each county so indebted, a duplicate of the statement so filed with the secretary of state.

Repealed.

SECTION 22. So much of chapter twenty-nine of the revised statutes, relating to the state board of charities and reform, as relates to the institutions above named; chapter ninety-six of the laws of 1880, relating to the government of the Wisconsin hospital for the insane; and section four thousand nine hundred and sixty-four of the revised statutes, relating to the Wisconsin industrial school for boys, are hereby repealed.

Laws to apply.

SECTION 23. The provisions of section three of chapter two hundred and eighty-nine of the laws of Wisconsin for 1880, shall be construed as applying to the board created by this act.

Repealed.

SECTION 24. All acts or parts of acts inconsistent with the provisions of this act, are hereby repealed, but only so far as the same are so inconsistent.

SECTION 25. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1881.

[No. 229, S.] [Published April 11, 1881.]

## CHAPTER 299.

AN ACT regulating the inspection of the Bayfield rifles.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Inspection to take place at any time during year.

SECTION. 1. The adjutant general is hereby authorized to make inspection of the Bayfield rifles, a volunteer company of the Wisconsin national guard, at any time during the year; and upon being satisfied that said organization has been kept up and maintained by members duly uniformed, and that it has kept a suitable armory, and properly cared for the state property in charge of its commander, he is hereby authorized to certify and allow its annual pay and benefits for the years 1879, 1880, the same as though said company had been duly inspected and duly complied with the law in respect to inspections, musters, parades, returns and reports. The commander of said company is hereby authorized to enlist and recruit members of his company residing in Ashland county, and when a sufficient number are there enlisted, to have the headquarters of one platoon of said company at Ashland.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1881.

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[No. 329, A.] [Published April 13, 1881.]

## CHAPTER 300.

AN ACT relating to state officers and making the railroad commissioner and commissioner of insurance elective, as other state officers, and prescribing their duties and salary, and amendatory of sections one hundred and twenty-eight and one thousand nine hundred and sixty-seven of the revised statutes, and to repeal section one thousand seven hundred and ninety-two of the revised statutes, and amendatory of section six of chapter two hundred and forty of the laws of 1880.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Elective officers.

SECTION 1. Section one hundred and twenty-eight, chapter eleven, revised statutes of 1878, shall be amended so as to read as follows: Section 128. The governor, lieutenant governor, secretary of state, treasurer, attorney general, state superintendent, railroad commissioner, and commissioner of insurance, shall be chosen at the general election in the year 1881, and biennially thereafter; and the regular term of office of

said state officers, when elected for a full term, shall commence on the first Monday in January next succeeding their election.

Repealed.

SECTION 2. Section one thousand seven hundred and ninety-two, chapter eighty-seven, revised statutes of 1878, entitled of the railroad commissioner, is hereby repealed.

Qualification of railroad commissioner.

SECTION 3. No person in the employment of, or owning any stock, bonds, or otherwise pecuniarily interested in any railroad, freight or transportation company, or being any officer of such company, shall be eligible to the office of railroad commissioner.

Oath of office and bond of railroad commissioner.

SECTION 4. Section one thousand nine hundred and sixty-seven, chapter eighty-nine of the revised statutes of 1878, is hereby amended so as to read as follows: Section 1967. Before entering upon the duties of his office, the commissioner of insurance shall take and subscribe to an oath of office to be filed with the secretary of state; and he shall also execute a bond to the state of Wisconsin in the penal sum of twenty thousand dollars, with two or more good and sufficient sureties, conditioned for the faithful performance of his duties, which bond when approved by the governor, shall be deposited with the state treasurer. The commissioner of insurance shall have an official seal, and shall cause to be conducted all examinations of the affairs of insurance corporations that are or may be required by law; and generally shall exercise such supervision and control over insurance companies doing business in this state, as the law may require. Said commissioner of insurance shall hold his office in the capitol, and be provided with postage, stationery, printing, and office supplies, the expense thereof to be paid out of the state treasury. All reports required to be made by any insurance corporation, shall be made to said commissioner; and he shall, on or before the first day of July in each year, make a report to the governor of all transactions of his office, including a statement of the fees received by him as such commissioner, and such other matters as have been heretofore included in such report, or as he may be required to make report of by law.

Commissioner of insurance.

Duty of commissioner of insurance.

SECTION 5. Section six, chapter two hundred and forty, of the laws of 1880, is hereby amended so as to read as follows: Section 6. It shall be the duty of the commissioner of insurance, when he deems the evidence sufficient, to prosecute or cause to be prosecuted, all violations of the insurance laws of the state.

There shall be paid annually to the commissioner of insurance, by insurance companies, organized under the laws of this state, one dollar; by life and accident insurance companies, not organized under the laws of this state, one dollar; and by fire and marine insurance companies, not organized under the laws of this state, two dollars; for each certificate issued by him to the agents of such companies during the year; which sums aforesaid, together with all fees paid by insurance companies as now required by law, shall be paid over to the treasurer of the state of Wisconsin, monthly, and be credited to the general fund. It shall be the duty of the commissioner of insurance, to tabulate and publish in his annual report the statistics given in the reports of town insurance companies; also to give the name and location of each company, together with the names of its officers, and to furnish the secretary thereof with a copy of each annual report.

Salary of commissioner of insurance.

SECTION 6. The salary of the commissioner of insurance shall be three thousand dollars annually, which shall be paid out of the state treasury the same as the salaries of other state officers; and he may, when necessary, employ a clerk at a salary of twelve hundred dollars per annum, to be paid in like manner.

Repealed.

SECTION 7. All acts and parts of acts conflicting with the provisions of this act, are hereby repealed.

Terms of office.

SECTION 8. The first term of office of the railroad commissioner, provided by this act, shall commence on the fifteenth day of February, 1882, and the first term of office of the commissioner of insurance provided by this act, shall commence on the first Monday of April, 1882, and the salary provided by this act, shall apply on and after the first Monday of April, 1882.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1881.

[No. 105, S.] [Published April 9, 1881.]

## CHAPTER 301.

AN ACT to appropriate a certain sum of money to Caroline W. Ryan, widow of Hon. Edward G. Ryan, late chief justice of Wisconsin, deceased.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation, $1,000.

SECTION 1. There is hereby appropriated to Caroline W. Ryan, widow of Hon. Edward G. Ryan, late chief justice of the state of Wisconsin, deceased, the sum of one thousand dollars, being a sum equal to the salary of said Edward G. Ryan up to the —— day of ———, 1881; to be paid to her out of any money not otherwise appropriated.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1881.

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[No. 147, S.] [Published April 12, 1881.]

## CHAPTER 302.

AN ACT to restrict taxation in the city of Milwaukee.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Per cent. limited.

SECTION 1. The aggregate amount of taxes levied or collected from the taxable property of any ward in the city of Milwaukee, for any one year, for all purposes, including state, county, city, school, ward, special, and all other taxes, shall not exceed two per centum of the assessed valuation of all the real and personal property of said ward, provided, that whenever, in any year, three-fourths of all the members of the common council of said city, shall declare by resolution, that an urgent public necessity exists for a larger aggregate amount of taxation, than would be derived from the taxable property of said city under the limitations hereinbefore prescribed, then and in that case, the aggregate amount of said taxes levied and collected from the taxable property of the several wards in said city, for said years, may be increased to an amount not exceeding two and one-half per cent. of the assessed valuation of all the real and personal property in any ward of said city.

Amendment to charter.

SECTION 2. This act is hereby declared to be an amendment of the charter of said city, and all acts or

parts of acts contrary to the provisions of this act, so far as they conflict herewith, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved April 2, 1881.

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[No. 56, S.] [Published April 8, 1881.]

## CHAPTER 303.

**AN ACT to appropriate to the Wisconsin institution for the education of the blind, certain sums of money for current expenses and special expenses.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated to the Wisconsin institution for the education of the blind, out of any money in the general fund not otherwise appropriated, the following sums for the purposes specified, viz: For current expenses to March 1, 1882, fifteen thousand five hundred dollars; for coal vault and painting, one thousand two hundred dollars; for completing ice house, one hundred dollars. **Appropriation, $16,800.**

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1881.

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[No. 100, S.] [Published April 11, 1881.]

## CHAPTER 304.

**AN ACT to authorize the state superintendent to fix the amount to be paid to the free high school at Stoughton, from the general fund of the state, for the year 1880.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The state superintendent is hereby authorized and directed to fix the amount to be paid to the free high school at Stoughton, from the general fund of the state, for the year 1880, in the same manner as provided by section four hundred and ninety-six of the revised statutes, as amended by the laws of 1879, which sum is two hundred and seventy and seventy-five one-hundredths dollars, notwithstanding the neglect of the free high school to make the report to said superintendent in the manner provided by said section four hundred and ninety-six. **Duty of state superintendent**

SECTION 2. When said amount to be paid to said free high school, shall have been so fixed by said **Money to be paid district treasurer.**

superintendent, he shall certify the same to the secretary of state, and thereupon the said amount shall be paid to the district treasurer of said school, out of the state treasury, in the manner now provided by law, the same as if such amount had been fixed and certified by said superintendent at the same time apportionments were made to the other free high schools of this state.

Appropriation, $270.75.

SECTION 3. There is hereby appropriated out of the general fund in the state treasury, not otherwise appropriated, the sum of two hundred and seventy and seventy-five one-hundredths dollars, to said free high school, the same being the amount provided for in this act.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1881.

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[No. 222, S.] [Published April 8, 1881.]

## CHAPTER 305.

AN ACT in relation to the duties of school district clerks, and amendatory of section four hundred and seventy-two of chapter twenty-seven of the revised statutes.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

District clerk to deliver statement to town clerk of tax voted at district meeting.

SECTION 1. Section four hundred and seventy-two of the revised statutes, is hereby amended, by striking out the words "third Monday of November," where the same occur in said section, and inserting in lieu thereof the words "last Monday in October."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1881.

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[No. 236, S.] [Published April 8, 1881.]

## CHAPTER 306.

AN ACT to compel owners and occupants of dams, in the town of Lodi, in the county of Columbia, to construct and maintain fishways.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Fishways and chutes.

SECTION 1. There shall be erected and maintained in each dam across any stream in the said town of Lodi, in this state, by the owner or occupant thereof, or by those persons using the water thereof through

the medium of a canal or race, sufficient and permanent fishways or chutes to admit the passage of fish in such stream during the months of April, May and June, and the months of October and November, in each year. And if the owner or occupant of any such dam, or person or persons using the water thereof, through the medium of any canal or race, shall neglect or refuse for a period of thirty days, to construct and maintain such fishways as aforesaid, whenever requested in writing so to do by any ten freeholders of said town, such person or persons shall be deemed guilty of a misdemeanor; and for every six days that such person or persons shall so neglect or refuse, he or they shall be punished by a fine not exceeding one hundred dollars with costs, or by imprisonment in the county jail not exceeding ninety days, or by both such fine and imprisonment, in the discretion of the court: provided, however, that the provisions of this act shall not apply to any dams within the corporate limits of the village of Lodi.

**Not to apply to village of Lodi.**

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1881.

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[No. 255, S.] [Published April 9, 1881.]

## CHAPTER 307.

**AN ACT to provide for conferring authority upon the governor to fill vacancies and make appointments to office in certain cases.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Whenever the governor shall in any case be authorized by any law of this state, to make any appointments to office by and with the advice and consent of the senate, and the legislature shall not be in session at the time when such office or offices should be filled, or the appointments thereto made, the governor may and shall have authority to fill such offices and make all appointments thereto, subject to the approval of the senate at the next succeeding session of the legislature, and all such appointments shall be as valid and effectual from the time when the same may be so made, until twenty days after the meeting of the legislature at its next succeeding session, as if the governor possessed the absolute power of appointment; and in case of a vacancy in any such office before the

**Governor may fill offices by appointment when legislature is not in session.**

expiration of the term of such office, the governor may fill the same for the residue of the term only.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1881.

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[No. 396, A.] [Published April 9, 1881.]

## CHAPTER 308.

AN ACT to authorize the commissioners of public lands to loan a portion of the trust funds of the state to the city of Chippewa Falls, county of Chippewa.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Loan, $6,000.

SECTION 1. The commissioners of public lands are hereby authorized to loan a portion of the trust funds of this state, not exceeding in amount the sum of six thousand dollars, to the board of education of the city of Chippewa Falls, county of Chippewa, and the said board is hereby authorized to borrow a sum not exceeding the amount named above, of the said commissioners, and to issue to said commissioners certificates of indebtedness so contracted. Such indebtedness shall bear interest at the rate of seven per cent. per annum, and said interest shall be paid annually, and the principal sum so loaned shall be paid as follows: One thousand dollars on the first day of March, 1883; one thousand dollars on the first day of March, 1884; one thousand dollars on the first day of March, 1885; one thousand dollars on the first day of March, 1886; one thousand dollars on the first day of March, 1887; one thousand dollars on the first day of March, 1888; subject, however, to all the conditions and provisions of chapter one hundred and sixty-seven of the general laws of the state of Wisconsin, for the year 1881, entitled "an act to authorize loans and extensions of loans from the trust funds of this state," provided, that said commissioners of public lands may, in their discretion, reduce the amount of such loan, or refuse to make the same, if they shall deem it proper so to do.

Interest.

Payment o principal.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1881.

[No. 400, A.] [Published April 8, 1881.]

## CHAPTER 309.

AN ACT to authorize the state librarian to deliver books, of which there are duplicates in the state library, to the president of the university of Wisconsin, for the use of the law department.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The librarian of the state library shall deliver to the president of the university of Wisconsin, for the use of the law department of said university, all such books, of which there are duplicates in said library, as the trustees thereof may in writing designate and direct to be so delivered

Duty of librarian.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1881.

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[No. 407, A.] [Published April 8, 1881.]

## CHAPTER 310.

AN ACT to appropriate to the Wisconsin industrial school for girls a certain sum of money therein named.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated to the Wisconsin industrial school for girls, out of any money in the treasury not otherwise appropriated, five thousand dollars, to be expended for the following purposes, to-wit: for finishing the barn upon the lands of the state used by said school; for converting the attic of the rear building into a hospital with suitable light and ventilation; for enlarging the kitchen, constructing closets, and two additional correction rooms in the main building, and to finish and complete the grounds; the same to be expended under the directions of the officers and managers of said Wisconsin industrial school for girls. For all such expenditures, receipts and vouchers shall be filed with the secretary of state.

Appropriation, $5,000.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1881.

[No. 408, A.] [Published April 9, 1881.]

## CHAPTER 311.

AN ACT to improve the Aminicon river, Aminicon lake and upper Aminicon lake, in the county of Douglas, state of Wisconsin, and to grant to Robert L. Henry, Samuel B. Barker and George W. Henry, their and each of their heirs, executors, administrators and assigns, certain exclusive powers and privileges therein named in that behalf.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Location of improvements.

SECTION 1. For the purpose of improving the Aminicon river, the Aminicon lake and the upper Aminicon lake, or any or either thereof, in the county of Douglas, state of Wisconsin, from the mouth of said river at lake Superior, in township number forty-nine (49) north, of range number twelve (12) west, throughout, for and along the entire distance of said river, Aminicon lake and upper Aminicon lake, or any or either thereof, traversing and located, in part in said township number forty-nine (49) north, in part in township number forty-eight (48), north, of said range, in part in township number forty-seven (47) north, of range number thirteen (13) west, in part in township number forty-six (46) north, of range number thirteen (13) west, and in part in township number forty-six (46) north, of range number fourteen (14) west, to the head of said river at said upper Aminicon lake, so far and to such extent as Robert L. Henry, Samuel B. Barker and George W. Henry, or their and each of their heirs, executors, administrators or assigns, may deem necessary in that behalf, so as thereby to aid and facilitate the driving, running, floating, storing, sorting, and delivering, or any or either thereof, on said river and Aminicon, upper Aminicon lakes, or any or either thereof, logs timber, ties, telegraph, poles, fence posts, cordwood and tanbark, or any or either thereof, as well as all other timber of whatsoever kind, and so as thereby to aid and facilitate the driving, running and floating of the same, or of any or either thereof, to Lake Superior, at the said mouth of said river, or at or to any point upon or portion of said river, or Aminicon lake, the said Robert L. Henry, Samuel B. Barker and George W. Henry, their and each of their heirs, executors, administrators and assigns, are hereby authorized to enter in and upon and take possession of said Aminicon river, Aminicon lake and upper Aminicon lake, or any or either thereof,

and improve the navigation of the same, or of any or either thereof, by removing in whole or in part or by lowering or by improving or by avoiding the falls in said river, in said township number forty-eight (48) north, so as thereby to aid and faciliate such driving, running, floating, storing, sorting and delivering, or any or either thereof, and by removing in whole or in part, or by lowering or by improving or by avoiding to the end and for the purpose aforesaid, any and all other falls, and any obstruction or obstructions of whatsoever nature or kind, in said river and Aminicon lake, or either thereof; by erecting sluices and sluiceways in that behalf, by deepening and widening, clearing straightening, and changing, if they deem necessary, the channel or channels of said river and Aminicon lake and upper Aminicon lake, or any or either thereof, wherever, in their opinion, necessary; by closing sloughs, chutes and side cuts; by cutting ditches and canals, or either thereof; by building dykes and embankments or either thereof; by driving piles and by erecting and constructing piers, wharves, docks and other similar works or structures in the bed or on the bank or banks of said river and Aminicon lake and upper Aminicon lake, or of any or either thereof; by raising and lowering the water, or either thereof, in said river, Aminicon lake and upper Aminicon lake, or any or either thereof; by changing water courses; by erecting constructing and maintaining in and across said river, if they deem advisable, a dam at or near and below the outlet of the upper Aminicon lake aforesaid; by erecting, constructing and maintaining in and across said river, if they deem adviseable, a dam at or near and below the outlet of said Aminicon lake in said township forty-six (46) north, of said range thirteen (13) west; and by erecting, constructing and maintaining in and across said river, Aminicon lake and upper Aminicon lake, or any or either thereof, such other dam or dams, and at such other place or places as they may deem advisable and necessary, for the purpose of flooding and creating reservoirs of water in said river and Aminicon lake, or either thereof, for the purposes and in aid of such improvement; by stopping up ravines and confining said river to the main channel thereof, wherever and at such place or places as they deem necessary and advisable for the purposes and in aid of such improvement; and by erecting, construction, maintaining and building booms at and near the mouth of said river, as well as throughout said river

Piers, wharves, docks, etc.

Reservoirs of water.

from the mouth thereof to the center line or center of section number eight (8) in said township number forty-eight (48) north, of range number twelve (12) west, and as much further up said river as slack water extends, and to the head of said river at the outlet of said upper Aminicon lake, if they deem advisable; and for the purposes of such improvement the privileges of building booms under and by virtue of this act, shall extend to and include the entire course and distance of said river, from the mouth thereof to the head thereof, at the outlet of said upper Aminicon lake, including said Aminicon and upper lakes or either thereof; and by building, erecting, constructing and maintaining, in, upon, along or across said river, or in such other manner as they may deem advisable and necessary, within the limits hereinbefore specified for building booms, all such boom or booms, or both, in such manner and at such places as they shall deem necessary and advisable in behalf of such improvement; and by constructing, erecting, building and maintaining, or any or either thereof, any and all such works, structures, contrivances, appliances, facilities and apparatus in behalf and aid of such improvement as they shall deem necessary and suitable to that end, and in such behalf to do or cause to be done any and all such lawful things or acts of whatsoever nature or kind, as they may deem necessary or suitable to that end; but they shall not unreasonably obstruct or impede navigation upon such river, Aminicon lake or upper Aminicon lake.

Booms.

Construing terms.

SECTION 2. The term upper Aminicon lake is used in this act to designate the body of water situate partly in section twelve (12) and partly in section thirteen (13), in said township forty-six (46) north of said range fourteen (14) west; the term Aminicon lake is so used to designate the body of water situate partly in section fifteen (15), partly in section sixteen (16), partly in section twenty-one (21), and partly in section twenty-two (22), in township forty-six (46) north, of range thirteen (13) west; the term mouth of said river is so used to designate the point at which said river flows into lake Superior, in the south half of the south half of section twenty-seven (27), in township forty-nine (49) north, of range twelve (12) west; and the term "head" of said river is so used to designate the point at which said river flows from or out of said upper Aminicon lake.

When toll may be charged.

SECTION 3. Whenever and as soon as the said Robert L. Henry, Samuel B. Barker and George W. Henry,

or their and each of their heirs, executors, administrators or assigns, shall have expended, in and about such improvement, the sum of three thousand dollars in money, or its equivalent in labor or materials, or both, so as to facilitate the running, driving and floating of logs and timber in said river and Aminicon lake, or either thereof, they, their, and each of their heirs, executors, administrators and assigns, shall be entitled to, and may charge, receive, sue for and collect, for the use of said improvement, and for the increased facilities of navagation thereby afforded, tolls as follows: at the rate of ten cents per thousand feet, board measure, for and upon each and every thousand feet of such logs and timber, or either thereof, of whatsoever kind, which shall be put into said river below said Aminicon lake, and driven or intended to be driven therefrom by the owner or owners thereof, or his or their authorized agent or agents in that behalf, to said mouth of said river, and at the rate of twenty-five cents per thousand feet, board measure, for booming the same; at the rate of twenty cents per thousand feet, board measure, for and upon each and every thousand feet of such logs and timber, or either thereof, which shall be put into said Aminicon lake, and driven or intended to be driven therefrom, by the owner or owners thereof, or by his or their authorized agent or agents in that behalf, to the said mouth of said river, and at the rate of twenty-five cents per thousand feet, board measure, for booming the same; and at the rate of thirty-five cents per thousand feet, board measure, for and upon each and every thousand feet of such logs and timber, or either thereof, which shall be put into the main river at any point above said Aminicon lake or into said upper Aminicon lake and driven or intended to be driven from any such point or from said upper Aminicon lake, by the owner or owners thereof, or his or their authorized agent or agents in that behalf, to the said mouth of said river; and at the rate of twenty-five cents per thousand feet, board measure, for booming the same; and at such reasonable rate as the said grantees, their and each of their heirs, executors, administrators or assigns, shall fix and determine upon for and upon any and all such ties, telegraph poles, fence posts, cordwood and tanbark, or any or either thereof, as well as all other timber of whatsoever kind, which shall be so put into said river, and Aminicon lake, and upper Aminicon lake, or any or either thereof, and driven or intended

Tolls.

to be driven, by the owner or owners thereof, or his or their agent or agents in that behalf, to the said mouth of said river, and for booming the same or any or either thereof.

Tolls to be a lien upon logs, etc.

SECTION 4. The said tolls and charges in each and every case shall be due and payable as soon as the amount thereof is ascertain. And for any such tolls and charges which shall not be paid as soon as the amount thereof is ascertained, the said Robert L. Henry, Samuel B. Barker and George W. Henry, their and each of their heirs, executors, administrators and assigns, shall have a lien upon any and all such logs, timbers, ties, telegraph poles, fence posts, cordwood and tanbark or either thereof, as well as upon all other timber of whatsoever kind, upon which such tolls, or any part thereof, shall not be so paid as aforesaid, and shall have and be entitled to the remedies, or any or either thereof, given in and by chapter one hundred and forty-three of the revised statutes, entitled "of liens," and the amendments thereto to enforce such lien, to the same extent and in the same manner, that liens are given in and by said chapter one hundred and forty-three, for labor and services in respect to logs and timber.

Waste gates.

SECTION 5. Each such dam which shall be so erected and constructed as aforesaid, shall be furnished and provided with a suitable gate or gates to discharge the water therefrom, so as to aid the navigation of said river and Aminicon lake, or either thereof, below each such dam, and shall be kept in suitable condition to hold the water of said river and Aminicon lake, or of either thereof, in sufficient quantities to facilitate the running of logs and timber of whatsoever kind, or of either thereof, when the natural volume of water is insufficient for that purpose.

Injunctional order.

SECTION 6. No injunction or injunctional order shall be made, allowed or granted to prevent, hinder or restrain the use or enjoyment of such improvements or any portion thereof, or to abate any such dam or any work or improvement whatsoever done or made by virtue of this act, unless the said grantees, their and each of their heirs, executors, administrators or assigns shall fail for sixty days after due notice of any final judgment against them, to pay such judgment and the damages recovered thereby for any injury done by or in consequence of such improvement or any part thereof. This section shall not be construed or deemed to be indispensable to or inseparable from this act, or

any other provision or provisions, section or sections of the same.

SECTION 7. And the said Robert L Henry, Samuel B. Barker and George W. Henry, their and each of their heirs, executors, administrators and assigns, shall have, and are hereby granted, power to take possession of all logs, timber, ties, telegraph poles, fence posts, cordwood and tanbark, or any or either thereof, as well as all other timber of whatsoever kind, put into said river and Aminicon lake and upper Aminicon lake, or any or either thereof, or upon rollways so as to impede the drive, when the owners thereof or their agents shall not have come thereon, or upon said river and Aminicon lake and upper Aminicon lake, or any or either thereof, as the case may be, adequately provided with men, teams and tools, for breaking rollways and driving such logs, timber, ties, telegraph poles, fence posts, cordwood and tanbark, or any or either thereof, in season for making a thorough drive down said river, without hindering the main drive, and may break any such rollway or rollways, and drive any and all such logs, timber, ties, telegraph poles, fence posts, cordwood and tanbark, or either thereof, down said river to said lake Superior, or to the said mouth of said river, and charge and collect therefor the actual costs and expenses of such breaking and driving, and in addition thereto the charge for toll or booming, as hereinbefore provided, and shall have and be entitled to a lien on such logs, timber, ties, telegraph poles, fence posts, cordwood and tanbark, or any or either thereof, as the case may be, for such costs and expenses and such charge or toll for booming, and be entitled in that behalf to the remedies, or any or either thereof, hereinbefore provided for. This section shall not be construed or deemed to be indispensable to or inseparable from this act, or any other provision or provisons, section or sections of the same. Powers and authority.

SECTION 8. In case it shall be necessary to take, flow, or injure any lands and property, or either thereof, for the purpose or purposes of the construction of the work or works of improvement hereby authorized, or for the purposes of such improvement and in behalf thereof, the said Robert L. Henry, Samuel B. Barker and George W. Henry, their and each of their heirs, executors, administrators or assigns, shall be subject to all of the provisions, remedies and liabilities in that behalf, and entitled to all of the benefits, privileges, remedies and provisions in that behalf, and so far as Rights and liabilities.

applicable and not inconsistent with this act or chapter one hundred and forty-six of the revised statutes, entitled of "mills and mill dams," but nothing contained in this section shall be taken or deemed to preclude said grantees, their and each of their heirs, executors, administrators or assigns from acquiring title to, or the right to use any and all such lands and property, or either thereof, or any part thereof, or of either thereof, by purchase, lease, license or any usual mode or means of acquisition of title by act of parties.

Corporate powers not granted.

SECTION 9. No corporate powers or privileges are granted or intended to be granted by this act, and nothing contained in this act shall be construed or deemed to create a corporation, or grant corporate powers or privileges, either expressly, by implication, or otherwise.

SECTION 10. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1881.

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[No. 475, A.] [Published April 9, 1881.]

## CHAPTER 312.

AN ACT to amend section four thousand five hundred and sixty-four of the revised statutes, as amended by chapter two hundred and seventy-seven of the laws of 1880, relating to the preservation of game.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

When the taking of game is prohibited.

SECTION 1. Section four thousand five hundred and sixty-four of the revised statutes, as amended by chapter two hundred and seventy-seven of the laws of 1880, is hereby amended by striking out the words "thirtieth day of November," where they occur in the ninth line of said section, and inserting in lieu thereof, the words "first day of January," also by striking out the word "first," where it occurs in the tenth line of said section, and inserting in lieu thereof the word "fifteenth," so that said section, when so amended, shall read as follows: Section 4564. Any person who shall take, catch, kill, destroy or wantonly molest, or have in his possession when killed or taken, or expose for sale in this state, any woodcock, between the first day of January and the succeeding tenth day of July, and any quail, partridge, pheasant or ruffled grouse, prairie hen or prairie chicken, sharp-tailed grouse, or grouse of other variety, or any wood duck, mallard or teal duck, between the first day of January and the suc-

ceeding fifteenth day of August in any year; or any wild deer, buck, doe or fawn, between the first day of January and the succeeding fifteenth day of September; or any otter, mink, martin, muskrat or fisher, between the first day of May and the succeeding first day of November, shall be punished by fine not exceeding ten dollars nor less than one dollar, for each bird or animal so unlawfully taken, killed, had in possession, or exposed for sale.

Approved April 2, 1881.

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[No. 495, A.] [Published April 9, 1881.]

## CHAPTER 313.

AN ACT to amend sections three thousand seven hundred and eighteen, three thousand seven hundred and twenty-one and three thousand seven hundred and twenty-two of the revised statutes, entitled of garnishment.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Garnishee to be examined.

SECTION 1. Section three thousand seven hundred and twenty-one, of the revised statutes, is hereby amended so as to read as follows: Section 3721. On the appearance of the garnishee before the justice, the affidavit aforesaid shall be deemed a sufficient complaint in this action; and the justice shall forthwith proceed to examine the said garnishee and his witnesses touching the matters alleged in the affidavit, and shall reduce the answer of said garnishee and his witnesses to writing, and file the same with the papers in the case; such examination may be adjourned by said garnishee, as in case of a second adjournment in justice's court in civil actions.

Trial if plaintiff is dissatisfied with answer.

SECTION 2. Section three thousand seven hundred and twenty-two, of the revised statutes, is hereby amended so as to read as follows: Section 3722. If the plaintiff shall not be satisfied with the answer of the garnishee, or if either party shall desire a trial, the justice shall enter the fact in his docket, and the case shall be proceeded with and tried upon the issue formed by the affidavit and answer, as in other actions commenced by summons; and if, upon the trial of any such issue, property or effects shall be found in the hands of the garnishee, or it shall appear that such garnishee was indebted to the defendant, the justice or jury shall assess the value thereof, and the garnishee may hold the same, subject to the further order of the justice.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1881.

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[No. 513, A.] [Published April 12, 1881.]

## CHAPTER 314.

AN ACT to appropriate the proceeds of the sale of the swamp land in Lincoln county to the extinguishment of its railroad indebtedness, and to amend sections two and three of chapter two hundred and eighty of the laws of 1880.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Annual interest to be apportioned with state tax.

SECTION 1. Section two of chapter two hundred and eighty of the laws of 1880, is hereby amended as follows: by inserting after the words "so loaned" and before the words "and the same" in the seventh line of said section two, the words "less such sum as shall be realized during such year from the sale of swamp lands situated in said county of Lincoln, not heretofore set apart for normal school purposes;" so that said section when so amended shall read as follows: Section 2. Each and every year until the whole loan be repaid the secretary of state shall, when he apportions the state taxes among the several counties, add to the state tax which would be properly chargeable to said county of Lincoln, the annual interest due the state on said loan, together with ten per cent. of the principal sum so loaned, less such sum as shall be realized during such year from the sale of swamp lands situated in said county of Lincoln not heretofore set apart for normal school purposes; and the same shall be levied and collected out of the taxable property of said county, and paid over to the state, in the same way as other state taxes are paid and collected.

County board to levy tax sufficient for interest and one-tenth of principal.

SECTION 2. Section three of said chapter two hundred and eighty of the laws of 1880, is hereby amended by inserting the words "of the balance" after the words "required for the payment," in the fourth and fifth lines of said section, so that said section when so amended shall read as follows: Section 3. At the time and in the manner provided for levying taxes for state and county purposes, the board or supervisors of said county of Lincoln shall levy the amount of money required for the payment of the balance of the annual interest, and not less than one-tenth of the principal sum loaned by the commissioners of public lands to

the county board of said county of Lincoln, as provided for in the preceding section of this act.

SECTION 3. The state treasurer is hereby authorized each and every year, until the said loan of said Lincoln county to the state is paid, and at the time in each and every year that the state taxes are apportioned to the different counties of the state, to credit said Lincoln county on account of the amount that shall then be due on such loan, and to apply on the same the amount of moneys that shall have been realized during such year from the sale of swamp lands situated in the said county of Lincoln not heretofore set apart for normal school purposes, and such moneys so credited on said loan as aforesaid shall be retained in the state treasury as portion of the trust fund thereof, and during each and every year that such credit as aforesaid on which no moneys shall be paid to said Lincoln county, by the said state, for drainage purposes.

**Amount realized from sale of swamp lands to be credited to county.**

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1881.

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[No. 176, A.] [Published April 12, 1881.]

## CHAPTER 315.

AN ACT entitled an act to amend section one thousand three hundred and nineteen of the revised statutes, relating to erecting and repairing bridges.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one thousand three hundred and nineteen of the revised statutes, is hereby amended so as to read as follows: Section 1319. Whenever it shall appear to the county board that any one of the towns in its county would be required to raise an amount equal to more than one-fourth of one per centum of all the taxable property in such town, according to the last equalized valuation, for the purpose of erecting or repairing any bridge or bridges upon the principally travelled highways of such town, or when it shall be made to appear that any bridge or bridges in any town are necessary for the use and convenience of the adjoining town, rather than the town in which such bridge or bridges shall be located or required, it shall cause such sum to be levied upon the taxable property of the county, as will be sufficient to defray the expense of erecting or repairing such bridge or bridges.

**County board may levy bridge tax.**

Tax, how collected and expended.

Such money, when collected, shall be paid out on the order of the chairman of the county board and county clerk, in such manner, and at such times as such board shall determine. The county board may designate such of its number as it shall deem proper, to co-operate with the town board in the letting, inspecting and acceptance of work. And in case the whole of such work is to be paid for by such county appropriation, the county board may direct the letting, inspection and acceptance of such work, in such manner as it may deem proper: provided, however, that nothing in this act contained, shall in any manner authorize the levy of any tax upon the property in any incorporated city or village that maintains its own bridges, and as to any such cities or villages this act shall not apply: provided, this act shall not apply to the county of Grant: and provided, further, that such town or towns referred to in this act shall, before the county shall be required to raise any sum for the purposes of such bridges, be, and they are hereby, required to raise such one-fourth of one per centum of all the taxable property of such town or towns, for erecting or repairing any such bridge or bridges.

Grant county excepted.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1881.

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[No. 220, A.] [Published April 8, 1881.]

## CHAPTER 316.

AN ACT to provide for fishways in the outlet of Big Green lake, Green Lake county, Wisconsin, and for the protection of fish and game in the Green Lake district.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Fishways.

SECTION 1. It shall be the duty of all persons owning, occupying or having charge of any dam now erected, or hereafter to be erected, on the outlet of Big Green lake, in Green Lake county, Wisconsin, to construct in each of their dams, good, efficient fishways, under the supervision of the fish warden, or some person appointed by the fish commissioners of the state of Wisconsin, according to a plan furnished by said commissioners, and to keep said fishways in good repair, and open for the free passage of fish up and down, within four months from and after the passage and publication of this act.

Penalty for refusing to put in fishways.

SECTION 2. Any person owning, occupying or having charge of any dam mentioned in the foregoing

section, who shall refuse or neglect to construct or keep in repair, or keep open said fishways, in accordance with section one of this act, after the space of four months, from and after the passage and publication of this act, shall be liable to a fine of one hundred dollars and costs of suit; and for each and every six days he shall refuse to neglect or comply with the provisions of said section one, he shall be liable to a fine of ten dollars and costs of suit.

Fish warden.

SECTION 3. For the better enforcement of this act, and the general laws of this state for the protection and preservation of fish and game, the fish commissioners of the state of Wisconsin are hereby authorized and empowered to appoint some suitable person as fish warden, who shall be a resident of the district composed of the county of Green Lake and the western tier of towns in Fond du Lac county, including the city of Ripon, who shall act as fish warden within the limits of said district. He shall be subject to removal for cause by said commissioners.

Duty of warden

SECTION 4. It shall be the duty of said warden to prosecute every violation of this act and also of all other laws for the protection of fish and game within the district mentioned in section three, which may come to his knowledge, to supervise the construction and repair of fishways, to apply for, receive and deposit in suitable places all fish, fry or spawn, furnished by the commissioners or other persons, and destined for the waters in his district. He shall, after his appointment and before he enters upon the discharge of his duties, take and subscribe an oath of office and give a bond such as is now required of a constable, said bond to be approved by the supervisor of his town or ward, and be filed by him, the said warden, with the county clerk of the county in which he resides; and after having fully qualified, he shall have and possess all the powers of a sheriff or constable conferred by law, in and about the discharge of the duties imposed by this act. He shall report to the commissioners his doings whenever required by them to do so.

Bond and oath of office.

Green Lake district.

SECTION 5. The territory mentioned in section three shall be known as the Green Lake district.

Repealed.

SECTION 6. All acts and parts of acts inconsistent or conflicting with this act, are hereby repealed.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1881.

[No. 476, A.] [Published April 8, 1881.]

## CHAPTER 317.

AN ACT to repeal part of section one, chapter four hundred and seventeen of the private and local laws of 1871, entitled an act to amend section three of chapter one hundred and seventy-seven of the private and local laws of 1870, entitled an act to incorporate Plymouth Lyceum.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Repealed.

SECTION 1. That part of section one of chapter four hundred and seventeen of the private and local laws of 1871, entitled an act to amend section three of chapter one hundred and seventy-seven, private and local laws of 1870, entitled an act to incorporate Plymouth Lyceum, after the word "act" in the twelfth line of said section, is hereby repealed.

SECTION 2. This act shall be in force from and after its passage and publication.

Approved April 2, 1881.

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[No. 278, A.] [Published April 8, 1881.]

## CHAPTER 318.

AN ACT relating to railroad laborers' liens, and amendatory of section one thousand eight hundred and fifteen, chapter eighty-seven, of the revised statutes of 1878, entitled of railroads.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amendment.

SECTION 1. Section one thousand eight hundred and fifteen of chapter eighty-seven of the revised statutes of 1878, entitled of railroads, is hereby amended by striking out the words "after the performance of the number of days' labor for which the claim is made" in the fifth and sixth lines of said section, and inserting in lieu thereof the words "after the claim or demand of such laborer shall have accrued," so that said section shall read when so amended, as follows: Section 1815. As often as any contractor for the construction of any railroad, or part thereof in progress of construction, shall be indebted to any laborer for thirty days' labor or less, either manual, or team labor, or both, including team and driver, performed in constructing such road, such laborer may within thirty days after the claim or demand of such laborer shall have accrued, serve notice in writing, signed by him, his agent or attorney, on the corporation either owning or

Lien for labor for contractor may be filed against corporation.

constructing such road, that he claims such indebtedness, stating the amount thereof, the number of days' labor, and the time when performed, and the name of the contractor from whom due; and thereupon such corporation shall be directly liable to such laborer for the amount so due him, provided he bring his action therefor within sixty days after the service of such notice. Such notice shall be served by delivering a copy thereof to an engineer, agent or superintendent in the corporation's employment, having charge of the part of the road on which such labor was performed, personally, or by leaving the same at his office or usual place of business, with some person of suitable age therein.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1881.

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[No. 153, A.] [Published April 8, 1881.]

## CHAPTER 319.

AN ACT to provide for the recording of lands taken for streets and other purposes, by city or village corporations.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

List of lands taken to be certified to register of deeds.

SECTION 1. The clerk of any city or village corporation shall, within ten days after the passage of any resolution adopted by the proper authorities of such city or village corporation, by which any lands are taken for laying out or widening any streets or alleys, or for other purposes, transmit to the register of deeds of the county wherein such city or village is located, a certified list of such lands so taken, for the purpose of recording the same.

SECTION 2. The fees for recording such list of lands as shall be fixed by the common council or board of trustees, and shall be chargeable to such corporation.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1881.

[No. 355, A.] [Published April 9, 1881.]

## CHAPTER 320.

AN ACT to provide for the assessment of damages to lands taken or overflowed by works of improvement of the Fox and Wisconsin rivers, prosecuted or maintained by the United States government.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Assessment of of damages.

SECTION 1. In case the lands of any person have been overflowed, injured or taken by the United States government, in the prosecution or maintenance of any of the works of improvement of the Fox and Wisconsin rivers in this state, or if it shall be found necessary or proper to hereafter overflow, injure or take the lands of any person in the prosecution or maintenance by the United States government of any of the works of improvement of said rivers, the damages for such overflow, injury or taking may be assessed and determined in the courts of this state in accordance with the provisions of an act of congress approved March 3, 1875, entitled, "an act to aid in the improvement of the Fox and Wisconsin rivers in the state of Wisconsin;" such damages shall be assessed and determined by proceedings in the manner, as near as may be, provided by chapter eighty-seven of the revised statutes of this state, relating to acquiring land by railroad corporations by right of eminent domain, and all of the provisions of said chapter eighty-seven, relating to acquiring land by railroad corporations by right of eminent domain, are hereby made applicable, as near as may be, to such assessment and determination of such damages: provided, that nothing herein shall be so construed as to authorize the commencement of or continuance of any proceeding by or against the United States government for any assessment or determination of any such damages, when, by reason of lapse of time or any other cause, the United States government, would not be liable therefor: provided that the state of Wisconsin shall never become or be held liable for the payment for any services performed, or expenses incurred by said commissioners, rendered, incurred or expended, pursuant to the provisions of this act, nor for any damage or damages ascertained or assessed by them as hereinbefore provided.

Proviso.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1881.

[No. 198, A.] [Published April 11, 1881.]

## CHAPTER 321.

AN ACT to authorize the town of Ellington, in the county of Outagamie, to build and construct a bridge across the Wolf river in said county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The town of Ellington, in the county of Outagamie, is hereby authorized to build and construct a bridge across Wolf river, eighty rods south from the north line of section nineteen (19), town twenty-two (22), range sixteen (16) east: provided, the total cost of building and completing said bridge shall not exceed the sum of three thousand dollars, and, provided further, that nothing shall be held or construed to authorize any impeding or obstruction of the free navigation of said Wolf river for boats, logs or timber. Location of bridge.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1881.

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[No. 186, A.] [Published April 9, 1881.]

## CHAPTER 322.

AN ACT to appropriate to Burnett county a sum of money therein named.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated to the county of Burnett, out of any money in the state treasury not otherwise appropriated, the sum of two hundred and sixty-six dollars and seventy-four cents; said amount having been paid by said county for the support of Christian Casperson, an insane person, who was not and is not a resident of said county, and is properly chargeable to the state. Appropriation, $266.74.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1881.

[No. 60, A.] [Published April 9, 1881.]

## CHAPTER 323.

AN ACT to amend section one thousand two hundred and seventy-six of chapter fifty-two of the revised statutes, entitled of highways and bridges.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Manner of appeal provided for.

Aggrieved person.

SECTION 1. Section one thousand two hundred and seventy-six of chapter fifty-two of the revised statutes, is hereby amended so as to read as follows: Any person who shall consider himself aggrieved by any order laying out, altering, widening or discontinuing any highway, or by any refusal so to do under the preceding provisions, may, within thirty days after such determination, appeal therefrom and apply to a justice of the peace of the same or an adjoining town in the county, or to the county judge, for the appointment of commissioners to review such order or determination. Such application shall be in writing, and shall briefly state the grounds upon which it is made, and whether it be made to reverse entirely such order or determination, or only a part; and in the latter case it shall state what part: provided, that in case of highways upon a line between two or more counties, such application may be made to any justice of the peace in any adjoining town in either county, or to the county judge of either county, bounded in whole or in part by such highway.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1881.

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[No. 249, S.] [Published April 11, 1881.]

## CHAPTER 324.

AN ACT relating to evidence from bank books.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Verified copies to be received as evidence.

SECTION 1. Whenever any evidence shall be required in any court of this state from the book entries of any bank or banker doing business at the time of such requirement, it shall be competent to produce verified copies of such entries, which shall be received in all legal proceedings as prima facie evidence of such book entry, or entries, and a banker or bank officer

shall not be compelled to produce the original book, or attend as a witness thereto, unless especially ordered by the court or officer before whom the trial is had.

SECTION 2. To warrant receiving such copy as provided in the foregoing section, there must be an affidavit or the testimony of an officer of the bank, stating that the book is one of the ordinary books of the bank, used in the transaction of its business, that the entry is as was originally made at the time of its date, and in the usual course of its business; that there are no interlineations or erasures; that the book is in its custody and control, and that the copy has been compared with the book and is a correct copy of the same; and such book shall be open to the inspection of any interested party. Testimony of officer of bank.

SECTION 3. Any person who shall make a false affidavit or give false testimony under the provisions of this act, shall be deemed guilty of the offense of perjury, and on conviction thereof shall be punished therefor in the manner provided by law. False affidavit.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1881.

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[No. 247, S.] [Published April 11, 1881.]

## CHAPTER 325.

AN ACT to legalize certain records in certain cases.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. In all cases where tax deeds executed to any of the counties of this state pursuant to law, have been heretofore recorded in the office of the register of deeds of said counties, but not entered upon the index records in such office in the manner required by law, the proper officers of such county are hereby authorized to cause such deeds to be properly indexed, and after the expiration of nine months, from the time of such indexing, the date of which shall be entered on the margin of such index record, such record shall not be impeached in any court or place, for the reason or upon the ground that they had not been indexed as required by law. Provided such deeds shall be so properly indexed within ninety days after this act shall take effect and be in force, and provided further that this act shall not be construed as in any way or manner affecting any action or actions now pending or Deeds to be indexed.

which shall be commenced before the expiration of said nine months, affecting such titles, nor as affecting the rights of any purchaser in good faith.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1881.

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[No. 245, S.] [Published April 8, 1881.]

## CHAPTER 326.

AN ACT to authorize Robinson D. Pike, Isaac H. Wing, Newton J. Willey, and their associates or assigns, to build and maintain a dam or dams and otherwise improve Siscowit river, in Bayfield county, Wisconsin, for log driving purposes.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Location of dam

SECTION 1. Robinson D. Pike, Isaac H. Wing, Newton J. Willey, and their associates or assigns, are hereby authorized to build and maintain a dam or dams, and otherwise improve Siscowit river, in Bayfield county, from the mouth of said river in township fifty-one, (51) north, range six (6) west, to the sources thereof, including all lakes and streams tributary thereto, by removing rocks, stumps, fallen timber or any other obstructions.

Slides and gates

SECTION 2. The said Robinson D. Pike, Isaac H. Wing, Newton J. Willey, and their associates or assigns, shall build and maintain suitable slides and gates in said dams for the purpose of sluicing timber and logs over and through said dams, and shall operate such improvements and dams for the purpose of driving down said stream such logs and timber as may be put into the same; and the said Robinson D. Pike, Isaac H. Wing, Newton J. Willey, their associates or assigns, may also build and maintain a boom or booms on said river and bay for the purpose of stopping, holding, securing and assorting all logs and timber that may come or be driven into said stream.

When tolls may be charged.

SECTION 3. When the said Robinson D. Pike, Isaac H. Wing and Newton J. Willey, their associates or assigns, shall have improved said stream so as to make it reasonably certain that logs and timber can be driven down said stream, they may charge and collect as tolls for all logs and timber run down said stream, the sum of forty cents per thousand feet, for the use of said dams or improvements; and for booming and delivering said logs or timber, the sum of twenty-five cents per thousand feet.

SECTION 4. All tolls authorized by this act shall be a lien upon all logs or timber so driven down said stream, and secured in said boom, which lien may be enforced as the lien of mechanics or laborers. Tolls to be a lien upon logs.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1881.

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[No. 228, S.] [Published April 9, 1881.]

## CHAPTER 327.

AN ACT to authorize Robinson D. Pike, John H. Knight, Isaac H. Wing and James Bardon, their associates or assigns, to build and maintain a dam or dams, and otherwise improve Iron river, in Bayfield county, Wisconsin, for log driving purposes.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Robinson D. Pike, John H. Knight, Isaac H. Wing and James Bardon, their associates or assigns, are hereby authorized to build and maintain a dam or dams, and otherwise improve Iron river, from its mouth, in township fifty (50) north, of range nine (9) west, to the sources thereof, including all lakes and streams tributary thereto, in Bayfield county, by removing rocks, stumps, fallen timber and any other obstructions. Location of dam

SECTION 2. The said Robinson D. Pike, John H. Knight, Isaac H. Wing and James Bardon, their associats or assigns, shall build and maintain suitable slides and gates in said dams, for the purposes of sluicing timber and logs over and through said dams, and shall operate such improvements and dams for the purpose of driving down said stream such logs and timber as may be put into the same; and they or their assigns may also build and maintain a boom or booms on said river, for the purpose of stopping, holding, securing and assorting all logs and timber that may come or be driven into the said stream. Slides and gates

SECTION 3. When the said Robinson D. Pike, John H. Knight, Isaac H. Wing and James Bardon, or their associates or assigns, shall have improved said stream so as to make it reasonably certain that logs can be driven down said stream, they may charge and collect as tolls for all logs or timber run down said stream, the sum of forty cents per thousand feet, board measure, for the use of said dams or improvements; and for booming and delivering said logs or timber, the sum of twenty-five cents per thousaud feet, board measure. When tolls may be charged.

Tolls to be a lien on logs.

SECTION 4. All tolls authorized by this act shall be a lien upon all logs or timber so driven down said stream and secured in said boom, which lien may be enforced as the lien of mechanics or laborers.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1881.

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[No. 127, S.] [Published April 13, 1881.]

## CHAPTER 328.

AN ACT to amend sections three thousand three hundred and fourteen, three thousand three hundred and twenty-one, three thousand three hundred and twenty-two and three thousand three hundred and twenty-four of the revised statutes, entitled of liens, and relating to liens for cisterns.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

What property liable to lien for labor and materials.

SECTION 1. Section three thousand three hundred and fourteen of the revised statutes of 1878, is hereby amended, by adding after the word "fountain" in lines nine, twelve, nineteen and twenty-four of said section, the word "cistern," so that said section when amended, shall read as follows: Every person who, as principal contractor, performs any work or labor, or furnishes any materials in or about the erection, construction, repairs, protection or removal of any dwelling house or other building, or of any machinery erected or constructed, so as to be or become a part of the freehold upon which it is situated, or of any bridge, or in the filling up of any water lot, or the construction thereon of any wharf or permanent erection, or in the dredging of the channel in front of such water lot, or in digging or constructing any well, or fountain or cistern, or in building or repairing any fence upon land, or doing manual labor thereon, shall have a lien thereupon and upon the interests of owner of such dwelling house, building, machinery, bridge, wharf, erection thereon, well, fountain, cistern or fence, in and to the land upon which the same is situated or of the person causing such manual labor to be done, and upon the water lot so filled, or in front of which such dredging is done, not exceeding forty acres, or if within the limits of an incorporated city or village, upon the piece or parcel of land used, or designed for use, in connection with such dwelling house, building, machinery, bridge, wharf, erection thereon, well, fountain, cistern or fence, or

upon such water lot or land on which such manual labor is done, not exceeding one acre. Such lien shall be prior to any other lien which originates subsequent to the commencement of the construction, repairs, removal, or work aforesaid, of or upon such dwelling house, building, machinery, bridge, wharf, or erection thereon, well, fountain, cistern, fence, water lot or land, and may be enforced as provided in this chapter. In case any person shall order or contract for the purchase of any machinery to be placed in, or connected to or with any building or premises, and such person not having an interest in such building or premises in or connected with which such machinery is placed, sufficient for a lien, as provided for in this chapter to secure payment for said machinery, the person furnishing such machinery shall have and retain a lien upon such machinery, and shall have the right to remove from such building or premises, such machinery, in case there shall be default in the payment for such machinery when due, leaving such building or premises in as good condition as they were before such machinery was placed in or on the same.

Liens may be foreclosed.

SECTION 2. Section three thousand three hundred and twenty-one of the revised statutes, is hereby amended by adding after the word "fountain" in the seventh line of said section, the word "cistern," so that said section when so amended shall read as follows: Any person having so filed such claim for a lien may foreclose the same by action in the circuit court or any county court having jurisdiction thereof. All persons having filed such claims for liens, for work done or materials furnished, in the construction, repair, protection, or removal of or upon the same dwelling house, or other building, or the same machinery, bridge, wharf, well, fountain, cistern, fence or water lot, may join as plaintiffs; and if any do not so join, or refuse to so join, they may be made parties defendant. All persons having liens upon the premises by mortgage, judgment, or otherwise, subsequent to the lien sought to be forclosed, and all purchasers of the premises subsequent to such lien, may be joined as parties defendant. In case any person who has filed such claim for lien prior to the commencement of such action, or who has such subsequent lien, or who is such subsequent purchaser, is not made a party to such action, he may, upon application at any time before judgment, be made a party defendant thereto, and any person who shall file such claim for lien after the commence-

ment of such action, or who shall obtain such subsequent lien by mortgage, judgment or otherwise, or become such subsequent purchaser after the filing of the notice of the pendency of such action, may, at any time before judgment, upon application, be made a party defendant thereto. If such action be brought by a sub-contractor, the principal contractor may also be made a party defendant thereto.

Complaint, what to be set forth.

SECTION 3. Section three thousand three hundred and twenty-two, of the revised statutes, is hereby amended by adding after the word "fountain," in the twenty-second line of said section, the word "cistern," so that said section, when amended, shall read as follows: The complaint in such action shall be sufficient, if it set forth the contract, in substance, under which such work was done, or material furnished, with the last date of doing or furnishing the same, and the assignment of the claim, if any; and allege that the plaintiff or his assignee has filed a claim for a lien therefor, as required by law, giving the date of such filing, that such work was done or materials furnished for some of the purposes mentioned in section three thousand three hundred and fourteen, stating for what particular purpose the amount claimed to be due to the plaintiff or plaintiffs, respectively; and give a description of the premises claimed to be affected by such lien; as to defendants who have filed claims for liens on said premises, under the provisions of this chapter, that they have filed such claims, giving the date of filing and the amount claimed by each; as to defendants having subsequent liens or being subsequent purchasers, that they have or claim to have some lien upon the premises, subsequent and subject to the lien of the plaintiff; and shall demand judgment that the demands of all persons having filed claims for liens upon such premises, whether plaintiffs or defendants, be ascertained and adjudged; and that the interest of the person owning such premises at the time of the commencement of the construction, repairs, removal or work of or upon the dwelling house, building, machinery, bridge, wharf, or erection thereon, well, fountain, cistern, fence, water lot, or land, on account of which such liens are claimed, or which he or any other person claiming under him has since acquired, be sold to satisfy the amount of the liens so ascertained and adjudged, with the costs of the action. If the action be brought by a sub-contractor, the complaint shall also set forth in substance the con-

tract between him and the contractor, and allege that he gave the notice required by section three thousand three hundred and fifteen, and the date of the service thereof.

SECTION 4. Section three thousand three hundred and twenty-four of the revised statutes, is hereby amended by adding after the word "fountain" in the seventh line of said section, the word "cistern," so that said section when so amended shall read as follows: The judgment in such action shall adjudge the amount due to the plaintiff, or in case several claims for liens are embraced in the action, the amount due to each claimant who is a party to the action. It shall direct that the interest of the owner in the premises at the time of the commencement of the construction, repairs, removal, or work of or upon the dwelling house, building, machinery, bridge, wharf, or erection thereon, well, fountain, cistern, fence, water lot or land, on account of which such liens are claimed, or which he, or any person claiming under him, has since acquired, or so much thereof as may be necessary, be sold to satisfy the amount of the lien of the plaintiff, or of the several liens embraced in the action, with the costs of such action, including the costs of filing the claims for liens; and that after satisfying the same, together with such costs, that the residue of the proceeds be brought into court with the report of sale, to abide the order of the court. If the premises can be sold in parcels without injury to, or to the advantage of, the parties, the court may adjudge that the sale be so made. If the plaintiff, in any such action, fail to establish his lien upon the premises described in his complaint, and claim for lien, but establish a right to recover upon contract for his alleged work and labor done, or materials furnished, he may have a personal judgment in the action against the party liable for the amount due him, with or without costs, to be taxed in his favor, or favor of the defendant in like manner, as if the action were for the recovery of money only. Judgment.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1881.

[No. 79, S.] [Published April 8, 1881.]

## CHAPTER 329.

AN ACT to amend sections two thousand seven hundred and forty-two and two thousand seven hundred and forty-four of the revised statutes, relating to attachment.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Defendant may deny allegations of complaint.

SECTION 1. Section two thousand seven hundred and forty-two of the revised statutes, is hereby amended by adding at the conclusion thereof, the following, to-wit: The defendant, notwithstanding the delivery of such undertaking, may deny any or all of the allegations, of the affidavit annexed to the writ of attachment as provided in section two thousand seven hundred and forty-five.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1881.

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[No. 53, S.] [Published April 11, 1881.]

## CHAPTER 330.

AN ACT relating to liens upon logs and timber, and amendatory of chapter one hundred and forty-three, of the revised statutes of 1878, and to repeal chapter one hundred and sixty-seven of the general laws for the year 1879, and chapter sixty-two of the general laws for the year 1880.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Lien upon logs and timber.

SECTION 1. Section three thousand three hundred and twenty-nine of chapter one hundred and forty-three of the revised statutes of the state of Wisconsin for the year 1878, entitled of liens, is hereby amended so as to read as follows: Section 3329. Any person who shall do or perform any labor or services in cutting, felling, hauling, running, driving, rafting, booming, cribbing, towing, sawing or manufacturing into lumber, any logs or timber in any of the counties of this state, shall have a lien upon such logs or timber for the amount due or to become due for such labor or services, which shall take precedence of all other claims or liens thereon: provided, that in the counties of Door, Lincoln, Marathon and Waupaca, such liens shall extend to and include all labor and services done or performed in cutting, felling, hauling, running, driving, rafting, booming, cribbing, towing or piling telegraph poles and railroad ties: and provided further, that in

said county of Door, such lien shall also extend to and include all labor and services done or performed, in cutting, felling, piling, handling or hauling cord wood, or in cutting, peeling, piling, handling or hauling any tan or other bark.

Lein waived unless claim and statement filed.

SECTION 2. Section three thousand three hundred and thirty-one of said chapter one hundred and forty-three, is hereby amended so as to read as follows: Section 3331. No debt or demand for such labor or service shall remain such lien, unless a claim therefor in writing shall be made and signed by the claimant or his attorney, and verified by the claimant, or some one in his behalf, in the same manner that pleadings in civil actions may be verified, setting forth the nature of the debt or demand for which the lien is claimed, the amount claimed to be due, a description of the logs or timber against which the lien is claimed, and that the claimant claims a lien thereon pursuant to this chapter and the chapter to which this in amendatory. Such petition, except for labor or services done in the counties hereinafter particularly named, shall be filed in the office of the clerk of the circuit court of the county in which such labor or services were done or performed; and for such labor or services done or performed in the counties of Shawano, Waupaca, Outagamie, Winnebago and Fond du Lac, or in such parts of the counties of Brown, Oconto and other counties wherein such logs or timber are got out upon the Wolf river or any of its tributaries, or for the purpose of being run down said river or its tributaries, such claim for lien shall be filed in the office of the clerk of the city of Oshkosh. If the labor or services are done between the first day of November and the first day of May following, the claim for lien shall be filed on or before the first day of June next thereafter, except as hereinafter provided; but if done after the first day of May and before the first day of November thereafter, or if said labor or services shall be continuous from the first day of November beyond the first day of May following, the claim for lien shall be filed within thirty days after the last day of doing or performing such labor or services, and such labor or services shall be deemed continuous notwithstanding a change of ownership in said logs or timber, or employers for whom said labor or services shall be done or performed: provided, that such claim for lien for labor or services done or performed on telegraph poles, railroad ties, cordwood and tan or other bark as aforesaid, shall be

filed within thirty days from and after the last day of doing and performing such labor or services. Such clerks shall receive twenty-five cents for filing each such claim for lien, and for certified copies thereof, the fees allowed by law for certified copies of papers to clerks of circuit courts.

**Plaintiff may have remedy by attachment.**

SECTION 3. Section three thousand three hundred and thirty-three, of said chapter one hundred and forty-three is hereby amended so as to read as follows: Section 3333. The plaintiff in such actions may have the remedy by attachment of the property upon which the lien is claimed provided by law in personal actions, and such attachments may be issued and be served and returned, and like proceedings had thereon, including the release of any attached property, upon giving security, as in civil actions. The affidavit for the attachment must state that the defendant, who is personally liable to the plaintiff therefor, is indebted to him in a sum named, over and above all legal set-offs for such labor or services done or performed, as entitles the plaintiff to a lien thereon under this chapter and the chapter to which this is amendatory, describing such logs or timber, and that the plaintiff has filed his claim for a lien pursuant thereto, and no other matter need be stated in such affidavit. No undertaking upon such attachment, or security for costs in actions hereunder, before justices of the peace, need be given, unless upon application of some defendant in the action, showing by affidavit that he has a good and valid defense to the plaintiff's claim, and to how much thereof, and if it be only to a part of such claim, unless the residue be paid to the plaintiff at the time of the application, which payment, if made, shall not affect the jurisdiction of the court, and no order shall be made requiring the giving of such undertaking or security for costs, except upon ten days' notice to the plaintiff. The attachment shall direct the officer to whom it is issued to attach the property named in the affidavits, or so much thereof as shall be necessary to satisfy the sum claimed to be due therein, and to hold the same subject to further proceedings in the action. The officer executing the attachment, shall pay any boomage due upon the property attached, and the amount so paid shall be taxed as part of the costs of the action.

**Affidavit for attachment, what to state.**

**Taking note not to waive lien.**

SECTION 4. Section three thousand three hundred and thirty-five of said chapter one hundred and forty-three, is hereby amended so as to read as follows: Section 3335. The taking of a promissory note or other

evidence of debt, for any such labor or services done, shall not discharge the lien therefor, hereby given, unless expressly received in payment therefor, and so specified therein.

Findings and judgment.

SECTION 5. Section three thousand three hundred and forty of said chapter one hundred and forty-three, is hereby amended so as to read as follows: Section 3340. The court or jury which tries any action hereunder, shall, in addition to the sum due the plaintiff, find, if such be proven, that the same is due, for the labor or services done, or some part of them alleged in the complaint, and that the same is a lien upon the property, or some part thereof, described in the complaint, and the judgment shall be in accordance with the findings, with costs to be taxed and allowed as in personal actions. The execution, in addition to the directions and commands of ordinary executions upon judgments for money, shall direct that such logs or timber, describing them, or so much thereof as may be necessary for such purpose, be sold to satisfy said judgment, costs, and costs of sale. If the court, justice or jury, shall find that the amount found due the plaintiff is not a lien upon any part of such logs or timber, they shall be released from the attachment, if they have been attached, but the plaintiff shall have judgment for the amount so found due, with costs as in ordinary civil actions; but he shall not recover, but shall pay the costs of executing such attachments.

Execution.

Repealed.

SECTION 6. Section three thousand three hundred and thirty of said chapter one hundred and forty-three, chapter one hundred and sixty-seven of the general laws of 1879, entitled an act to amend sections three thousand three hundred and twenty-nine and three thousand three hundred and thirty of chapter one hundred and forty-three of the revised statutes of 1878, entitled of liens, and chapter sixty-two of the general laws of 1880, entitled an act to amend chapter one hundred and sixty-seven of the general laws of 1879, entitled an act to amend sections three thousand three hundred and twenty-nine and sections three thousand three hundred and thirty of the revised statutes of 1878, entitled of liens, and all other acts and parts of acts conflicting with the provisions of this act, are hereby repealed.

SECTION 7. This act shall take effect and be in force from and after the first day of July, 1881.

Approved April 4, 1881.

[No. 25, S.] [Published April 9, 1881.]

## CHAPTER 331.

AN ACT to authorize John Morning, W. A. Rust, and their assigns, to build, keep and maintain a dam across Windfall creek, a branch of Court Oreille river, in Chippewa county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Location of dam

SECTION 1. John Morning and W. A. Rust, and their assigns, are hereby authorized and empowered to build and maintain a dam across Windfall creek, a branch of the Court Oreille river, on section sixteen, in township thirty-eight, north, range eight, west, in Chippewa county, and to charge, collect, sue for and receive tolls for the use of the waters collected by said dam, the sum of ten cents per thousand feet, upon all logs and timber put in said Windfall creek above said dam.

Slides and gates

SECTION 2. The said John Morning and W. A. Rust, and their assigns, shall build suitable slides and gates in said dam, if necessary for the purpose of sluicing logs and timber through said dam, and shall keep the same in repair, and shall hold the water back for the purpose of sluicing and driving said logs and timber, and when the case may require, the said gate shall be closed for that purpose.

Tolls.

SECTION. 3. The tolls authorized by this act shall be a lien upon the logs and timber subject to the same, which lien shall be enforced in the same manner in which other liens upon logs and timber are enforced under the general laws of Wisconsin, or the lien laws upon logs and timber applicable to Chippewa county: provided, however, that the said John Morning, W. A. Rust, or their assigns, shall not be entitled to collect or receive any toll whatever, until the said John Morning, W. A. Rust, or their assigns, shall have expended a sufficient sum in building and erecting such dam, as to facilitate and make reasonably practicable the driving of logs and timber out of said creek.

SECTION 4. This act shall be in force from and after its passage and publication.

Approved April 2, 1881.

[No. 360, A.] [Published April 9, 1881.]

## CHAPTER 332.

AN ACT to repeal all of chapter thirty-two of the general laws of 1851, and all of chapter four hundred and nine of the general laws of 1864, authorizing the construction of a bridge across the Fox river at Depere.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. All of chapter thirty-two of the general laws of 1851, and all of chapter four hundred and nine of the general laws of 1864, authorizing the construction of a bridge across the Fox river at Depere, are hereby repealed. Repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Received by the governor March thirtieth, 1881.

Received by the secretary of state April fourth, 1881.

NOTE BY THE SECRETARY OF STATE.—The foregoing act, having been presented to the governor for his approval, and not having been returned by him to the house of the legislature in which it originated within the time prescribed by the constitution of the state, has become a law without his approval.

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[No. 214, S.] [Published April 9, 1881.]

## CHAPTER 333.

AN ACT to amend the charter of the city of La Crosse and to amend section twenty of the revised statutes, and relating to the registry of electors.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The provisions of sections twenty, twenty-one, twenty-two, twenty-three and twenty-four of the revised statutes, entitled of "registry of electors," shall not apply to the city of La Crosse, in this state. Registry law not to apply.

SECTION 2. Subdivision one of section twenty of the revised statutes, entitled of "registry of electors," is hereby amended so as to read as follows: 1. In each ward or election district of every city, except the city of La Crosse, which at the last previous census, had a population of three thousand or more. La Crosse excepted.

SECTION 3. This act shall take effect and be in force after its passage and publication.

Approved April 4, 1881.

## CERTIFICATE.

STATE OF WISCONSIN, }
DEPARTMENT OF STATE. } ss.

I, HANS B. WARNER, Secretary of State, of the state of Wisconsin, do hereby certify, that the foregoing printed copies of laws and joint resolutions have been compared by me with the original enrolled acts and joint resolutions deposited in this office, and that they appear correctly printed.

In testimony whereof, I have hereunto set my hand and affixed the lesser seal of the state, at the capitol, in the city of
[L. S.] Madison, this thirty-first day of May, A. D. 1881.

HANS B. WARNER, Secretary of State.

# STATEMENT

PREPARED IN ACCORDANCE WITH SECTION 2425, R. S., SHOWING THE NAMES AND POST-OFFICE ADDRESS OF THE CIRCUIT JUDGES, AND TIMES AND PLACES FOR HOLDING CIRCUIT COURTS, IN THE SEVERAL COUNTIES IN WISCONSIN.

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## FIRST CIRCUIT.

JUDGE—JOHN T. WENTWORTH, RACINE.

*Term expires first Monday of January*, 1884.

| COUNTIES. | TERMS. | WHERE HELD. | LAWS. |
|---|---|---|---|
| Walworth | 2d Monday in February<br>2d Monday in June<br>2d Monday in September | Elkhorn | Ch. 32, 1879. |
| Racine | 2d Monday in March<br>3d Monday in June<br>2d Monday in October | Racine | Ch. 32, 1879. |
| Kenosha | 2d Monday in April<br>1st Monday in August<br>2d Monday in November | Kenosha | Ch. 32, 1879. |

No jury shall be summoned for either of the terms to be held in this circuit in the months of June or August. Each term in this circuit shall also be a special term for the whole judicial circuit.—*Chapter* 32, *Laws of* 1879.

## SECOND CIRCUIT.

JUDGE—DAVID W. SMALL, OCONOMOWOC.

*Term expires first Monday of January*, 1882.

| COUNTIES. | TERMS. | WHERE HELD. | LAWS. |
|---|---|---|---|
| Milwaukee | 2d Monday in January<br>1st Monday in May<br>4th Monday in June<br>1st Monday in October | Milwaukee | Sec. 2424, R. S. |
| Waukesha | 3d Monday in March<br>2d Monday in June<br>1st Monday in December | Waukesha | Sec. 2424, R. S. |

No jury shall be summoned for either of the terms to be held in this circuit in the month of June. Evey term in the circuit shall be a special term for the whole judicial circuit.—*Section* 2424, *Revised Statutes.*

## THIRD CIRCUIT.

JUDGE—DAVID J. PULLING, OSHKOSH.

*Term expires first Monday of January*, 1885.

| COUNTIES. | TERMS. | WHERE HELD. | LAWS. |
|---|---|---|---|
| Calumet..... | 2d Monday in May ... .....<br>2d Monday in December..... | Chilton ..... | Ch. 37, L. 1881. |
| Green Lake..... | 2d Monday in January.....<br>1st Monday in June..... | Dartford ..... .... | Sec. 2424, R. S. |
| Dodge..... | 4th Monday in February .....<br>2d Monday in October ..... | Juneau ..... | Sec. 2424, R. S. |
| Washington ..... | 3d Monday in March .....<br>2d Monday in November ..... | West Bend.. .... | Sec. 2424, R. S. |
| Ozaukee..... | Tuesday after 4th Monday in Jan.<br>Tuesday after 3d Monday in June | Port Washington ... | Sec. 2424, R. S. |
| Winnebago..... | Tuesday after 2d Monday in April<br>Tuesday after 4th Monday in Nov. | Oshkosh ..... | Sec. 2424, R. S.<br>Ch. 61, L. 1879. |

Every term in this circuit shall also be a special term for the whole judicial circuit.—*Section 2424, Revised Statutes.*

At any special term of the circuit court in the third judicial circuit of this state, any and all business may be done, arising in any county of said circuit, which might be done at a general term, except the trial of issues of fact by a jury.—*Chapter* 92, *Laws* 1879.

The circuit court of the county of Winnebago shall be deemed to be open for the transaction of business from the commencement of one regular term to the commencement of another, and an adjournment of the term from day to day shall not be necessary to the validity of any proceeding therein.—*Section* 1, *Chapter* 61, *Laws* 1879.

NOTE.—The third circuit will remain as above constituted until the first Monday in January, 1882, when the counties of Dodge, Washington and Ozaukee will be detached, and thereafter be known as the thirteenth judicial circuit.—*See Chapter* 37, *Laws* 1881.

## FOURTH CIRCUIT.

JUDGE—NORMAN S. GILSON, FOND DU LAC.

*Term expires first Monday of January*, 1887.

| COUNTIES. | TERMS. | WHERE HELD. | LAWS. |
|---|---|---|---|
| Sheboygan ..... | 3d Monday in April .....<br>4th Monday in September... ... | Sheboygan ..... | Ch. 63, L. 1881. |
| Manitowoc ..... | Tuesday after 2d Monday in Jan.<br>Tuesday after 1st Monday in June | Manitowoc..... | Ch. 63, L. 1881. |
| Kewaunee..... | 4th Monday in May.....<br>3d Monday in October..... | Kewaunee ..... | Ch. 63, L. 1881. |
| Fond du Lac..... | Tues. after 1st Monday in March<br>Tuesday after 2d Monday in Nov. | Fond du Lac..... | Ch. 63, L. 1881. |

Every general term in the counties of Fond du Lac, Sheboygan and Manitowoc, shall be a special term for the whole judicial circuit, at which any and all business may be done arising or pending in any county of said circuit, which might be done at a general term for the county in which such business arises, or is pending, except the trial of issues of fact by a jury. In the county of Fond du Lac, special terms for the whole circuit shall be held on Tuesday after the third Monday in February, and Tuesday after the first Monday in July, at which special terms any and all business may be done arising or pending in any county of said circuit, which might be done at a general term for the county in which such business arises or is pending, not requiring the intervention of a jury.—*Chapter* 63, *Laws* 1881.

## FIFTH CIRCUIT.

JUDGE — MONTGOMERY M. COTHREN, MINERAL POINT.

*Term expires first Monday of January*, 1883.

| COUNTIES. | TERMS. | WHERE HELD. | LAWS. |
|---|---|---|---|
| Grant | 1st Tuesday in February<br>1st Tuesday in September | Lancaster | Sec. 2424, R. S.<br>Ch. 43, L. 1879. |
| Iowa | 4th Tuesday in March<br>1st Tuesday in October | Dodgeville | Sec. 2424, R. S. |
| La Fayette | 4th Tuesday in June<br>1st Tuesday in December | Darlington | Sec. 2424, R. S. |
| Richland | 2d Tuesday in April<br>4th Tuesday in October | Richland Center | Sec. 2424, R. S. |
| Crawford | 4th Tuesday in May<br>2d Tuesday in November | Prairie du Chien | Sec. 2424, R. S. |

Every term in each of said counties shall be a special term for the whole circuit.— *Sec.* 2424, *R. S.*

## SIXTH CIRCUIT.

JUDGE — ALFRED W. NEWMAN, TREMPEALEAU.

*Term expires first Monday of January*, 1883.

| COUNTIES. | TERMS. | WHERE HELD. | LAWS. |
|---|---|---|---|
| Clark | 1st Monday in March<br>1st Monday in September | Neillsville | Ch. 35, L. 1881, |
| Jackson | 3d Monday in March<br>3d Monday in September | Black River Falls | Ch. 35, L. 1881. |
| La Crosse | 2d Monday in May<br>2d Monday in November | La Crosse | Ch. 35, L. 1881. |
| Monroe | 1st Monday in April<br>1st Monday in October | Sparta | Ch. 35, L. 1881. |
| Trempealeau | 2d Monday in June<br>2d Monday in December | Whitehall | Ch. 35, L. 1881. |
| Vernon | 4th Monday in April<br>3d Monday in October | Viroqua | Ch. 35, L. 1881. |

Every general term in the counties of La Crosse, Monroe, Jackson and Trempealeau shall also be a special term for the whole judicial circuit. At any special term of said court herein provided for, any and all business may be done arising in any county of the circuit, which might be done at any general term, except the trial of issues of fact by a jury in cases other than those arising in actions of *quo warranto* and *mandamus*, and excepting, also, the trial of issues of fact in actions made local by law, and arising in some county other than the one in which such special term shall be held.— *Section* 1, *Chapter* 35, *Laws* 1881.

## SEVENTH CIRCUIT.

JUDGE — GILBERT L. PARK, STEVENS POINT.

*Term expires first Monday of January*, 1885.

| COUNTIES. | TERMS. | WHERE HELD. | LAWS. |
|---|---|---|---|
| Portage | 1st Tuesday in March<br>2d Tuesday in November | Stevens Point | Sec. 2424, R. S. |
| Marathon | 2d Tuesday in April<br>1st Tuesday in October | Wausau | Sec. 2424, R. S. |
| Waupaca | 2d Tuesday in January<br>4th Tuesday in May | Waupaca | Sec. 2424. R, S. |
| Wood | 1st Tuesday in May<br>1st Tuesday in December | Grand Rapids | C. 159, laws 1881. |
| Waushara | 4th Tuesday in March<br>3d Tuesday in September | Wautoma | Sec. 2424, R. S. |
| Lincoln | 4th Tuesday in February<br>4th Tuesday in September | Merrill | Ch. 5, laws 1881. |
| Price | Attached to Taylor Co. for judicial purposes. | | Ch. 103, 1879. |
| Taylor | 1st Tuesday in February<br>1st Tuesday in September | Medford | Sec. 2424, R. S. |

Each and every general term of the circuit court held in the counties of Marathon, Portage, Waupaca and Wood, shall be special terms for the whole seventh judicial circuit. At any special term of said court herein provided for, any and all business may be done arising or pending in said circuit, or any of the counties therein, which might be done at any general term, except the trial of issues of fact.— *Chapter* 9, *Laws* 1879.

## EIGHTH CIRCUIT.

JUDGE — EGBERT B. BUNDY, MENOMONIE.

*Term expires first Monday of January*, 1885.

| COUNTIES. | TERMS. | WHERE HELD. | LAWS. |
|---|---|---|---|
| Buffalo | 4th Monday in February<br>4th Monday in October | Alma | Ch. 52, 1879 |
| Dunn | 2d Monday in March<br>2d Monday in September | Menomonie | Ch. 52, 1879. |
| Eau Claire | 4th Monday in March<br>4th Monday in September | Eau Claire | Ch. 52, 1879 |
| Pepin | 3d Monday in April<br>3d Monday in October | Durand | Ch. 52, 1879. |
| Pierce | 2d Monday in June<br>2d Monday in December | Ellsworth | Ch. 52, 1879. |
| St. Croix | 2d Monday in May<br>3d Monday in November | Hudson | Ch. 52, 1879. |

I hereby appoint special terms of said court to be held in each year at the times and places hereinafter named, viz: At Eau Claire, Eau Claire county, on the first Monday of January; at Hudson, St. Croix county, on the third Monday of February; at Menomonie, Dunn county, on the first Monday of July; at River Falls, Pierce county, on the first Monday of September.— *Order of Judge Bundy, issued in compliance with the provisions of chapter* 52, *Laws* 1879.

Every general term of the eighth judicial circuit shall be a special term for the whole circuit. At any special term of said court herein provided for, any and all business may be done arising in any county of the circuit which might be done at any general term, except the trial of issues of fact by a jury in cases other than those arising in actions of *quo warranto* and *mandamus*, and excepting also the trial of issues of fact in actions made local by law and arising in some county other than the one in which such special terms shall be held.— *Chapter* 292, *Laws* 1881.

## NINTH CIRCUIT.

JUDGE — ALVA STEWART, PORTAGE.

*Term expires first Monday of January*, 1885.

| COUNTIES. | TERMS. | WHERE HELD. | LAWS. |
|---|---|---|---|
| Adams | 3d Tuesday in January<br>2d Tuesday in June | Friendship | Sec. 2424, R. S. |
| Columbia | 2d Tuesday in May<br>2d Tuesday in December | Portage | Sec. 2424, R. S. |
| Dane | Monday after 1st Tuesday in Ap'l<br>2d Tuesday in July<br>2d Monday in November | Madison | Sec. 2424, R. S. |
| Juneau | 2d Monday in March<br>3d Monday in October | Mauston | Ch. 206, L. 1879. |
| Sauk | 3d Monday in March<br>4th Monday in September | Baraboo | Sec. 2424, R. S. |
| Marquette | Tuesday after first Monday in January<br>Tuesday after 3 l Monday in June | Montello | Ch. 238, L. 1881. |

Every term in the counties of Dane and Columbia shall also be a special term for the whole judicial circuit. No jury shall be summoned for the term in July for Dane county.—*Section* 2424, *Revised Statutes*.

## TENTH CIRCUIT.

JUDGE — GEORGE H. MYERS, APPLETON.

*Term expires first Monday of January*, 1886.

| COUNTIES. | TERMS. | WHERE HELD. | LAWS. |
|---|---|---|---|
| Brown | 4th Monday in January<br>1st Monday in March<br>3d Monday in September | Green Bay | Sec. 2424, R. S.<br>Ch. 109, L. 1880. |
| Door | Tuesday after third Monday in February<br>Tuesday after 3d Monday in July | Sturgeon Bay | Sec. 2424, R. S. |
| Langlade | Two terms each year | | Ch. 7, L. 1881. |
| Outagamie | 1st Monday in June<br>2d Monday in November | Appleton | Sec. 2424, R. S. |
| Oconto | 2d Monday in April<br>3d Monday in October | Oconto | Sec. 2424, R. S. |
| Shawano | Tuesday after 2d Monday in Jan.<br>Tuesday after 4th Monday in June | Shawano | Sec. 2424, R. S. |

No jury shall be summoned for the January term in Brown county. Every term in the counties of Brown, Outagamie and Oconto, shall also be a special term for the whole judicial circuit.—*Section* 2424, *Revised Statutes*.

The terms of the circuit court in and for the county of Marinette, in the state of Wisconsin, are appointed to be held on the second Monday in December and on the second Monday in May in each year — *Order of Judge Myers, issued March* 27, 1879, *under provisions of chapter* 114, *laws of* 1879.

There shall be held in said county of Langlade two terms of the circuit court in each year, and until otherwise provided by law, such terms of court shall be held at such times as the circuit judge thereof shall designate. The judge of said court shall, after the passage and publication of this act, give public notice of the times of holding said terms of court, by causing notice thereof to be published in some newspaper printed in said county of Langlade, at least six weeks prior to the three weeks immediately preceding the holding of said first terms of court, and the county board of said county shall provide a place for holding said court.—*Section* 11, *chapter* 7, *laws of* 1881.

## ELEVENTH CIRCUIT.

JUDGE — HENRY D. BARRON, ST. CROIX FALLS.

*Term expires first Monday of January*, 1883.

| COUNTIES. | TERMS. | WHERE HELD. | LAWS. |
|---|---|---|---|
| Ashland | 2d Monday in January<br>3d Monday in July | Ashland | Ch. 181, 1879. |
| Barron | 4th Monday in April<br>4th Monday in November | Barron | Ch. 181, 1879. |
| Bayfield | 3d Monday in January<br>2d Monday in July | Bayfield | Ch. 181, 1879. |
| Burnett | 1st Wednesday in April<br>1st Wednesday in November | Grantsburg | Ch. 181, 1879. |
| Chippewa | 1st Monday in June<br>1st Monday in December | Chippewa Falls | Ch. 181, 1879. |
| Douglas | 1st Monday in July<br>4th Monday in October | Superior | Ch. 181, 1879. |
| Polk | 2d Monday in April<br>2d Monday in November | Osceola Mills | Ch. 181, 1879. |

Each term in the counties of Chippewa and Polk is a special term for the entire circuit, where any business from any county in the circuit, not requiring the intervention of a jury, may be transacted.— *Chapter* 181, *Laws* 1879.

## TWELFTH CIRCUIT.

JUDGE — HARMON S. CONGER, JANESVILLE.

*Term expires first Monday of January*, 1883.

| COUNTIES. | TERMS. | WHERE HELD. | LAWS. |
|---|---|---|---|
| Rock | 4th Monday in January<br>4th Monday in April<br>Wednesday after the first Monday in November | Janesville | Sec. 2424, R. S. |
| Green | 1st Tuesday in March<br>3d Tuesday in June<br>1st Tuesday in October | Monroe | Sec. 2424, R. S. |
| Jefferson | 1st Monday in February<br>2d Tuesday in June<br>1st Monday in September | Jefferson | Sec. 2424, R. S. |

No jury shall be summoned for either of the terms in this circuit appointed to be held in the months of January and June. Every term in this circuit shall also be a special term for the whole judicial circuit.— *Section* 2424, *Revised Statutes*.

## THIRTEENTH CIRCUIT.

JUDGE—A. SCOTT SLOAN, BEAVER DAM.

*Term expires first Monday of January*, 1888.

| COUNTIES. | TERMS. | WHERE HELD. | LAWS. |
|---|---|---|---|
| Dodge | 1st Monday in September<br>2d Monday in February | Juneau | Ch. 37, L. 1881. |
| Ozaukee | 4th Monday in September<br>1st Monday in March | Port Washington | Ch. 37, L. 1881. |
| Washington | 2d Monday in October<br>3d Monday in March | West Bend | Ch. 37, L. 1881. |

The term of office of the judge of the thirteenth circuit shall commence on the first Monday in January, 1882, and until that time the judge of the third judicial circuit shall continue to hold courts in the counties of Dodge, Ozaukee and Washington, in the same manner and at the same time and with the same force and effect as if this act had not been passed.—*Section* 8, *Chapter* 37, *Laws* 1881.

At any general or special term of the circuit court in the thirteenth judicial circuit, any and all business may be done arising or pending in any county in said circuit, which might be done at a general term in the several counties, except the trial of issues of fact by a jury. —*Chapter* 37, *Laws* 1881.

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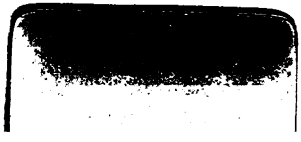
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